

THE
Statutes at Large,

FROM
MAGNA CHARTA

To the END of the
Eleventh Parliament of GREAT BRITAIN,

Anno 1761.

CONTINUED.

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CUM PRIVILEGIO.

A
T A B L E
O F T H E
S T A T U T E S
P U B L I C K and P R I V A T E,

Passed *Anno decimo octavo*

GEORGE III. *Regis.*

Being the Fourth Session of the Fourteenth Parliament of
Great Britain.

P U B L I C K A C T S.

Cap. 1. **F**OR continuing an act, made in the last session of parliament, intituled, *An act to empower his Majesty to secure and detain persons charged with, or suspected of, the crime of high treason, committed in any of his Majesty's colonies or plantations in America, or on the high seas, or the crime of piracy.*

Cap. 2. For granting an aid to his Majesty by a land tax, to be raised in *Great Britain*, for the service of the year one thousand seven hundred and seventy-eight.

Cap. 3. For continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and seventy-eight.

Cap. 4. For punishing mutiny and desertion; and for the better payment of the army and their quarters.

Cap. 5. For the regulation of his Majesty's marine force while on shore.

Cap. 6. For the better supply of mariners and seamen, ^{with} in his Majesty's ships of war, and on board merchant ^{ships} and other trading ships and vessels.

A TABLE of the STATUTES.

Cap. 7. For repairing the highways and bridges in the county of *Wigton*.

Cap. 8. To enable his Majesty to licence a theatre in the city of *Bristol*.

Cap. 9. For taking down the parish church of *Lilford*, being a vicarage united to the rectory of *Achurch*, in the county of *Northampton*; and for repairing the parish church of *Achurch* aforesaid; and for other purposes therein mentioned.

Cap. 10. To continue and enlarge the term and powers of an act, made in the thirtieth year of the reign of King *George the Second*, for building a bridge over the river *Lea*, at or near a place called *Jeremy's Ferry*; and for making, repairing, widening roads from thence into the great roads at *Snarebrook*, in the county of *Essex*, and at *Clapton*, in the county of *Middlesex*.

Cap. 11. For repealing an act, passed in the fourteenth year of his present Majesty's reign, intituled, *An act for the better regulating the government of the province of the Massachusetts Bay in New England*.

Cap. 12. For removing all doubts and apprehensions concerning taxation by the parliament of *Great Britain* in any of the colonies, provinces, and plantations in *North America*, and the *West Indies*; and for repealing so much of an act, made in the seventh year of the reign of his present Majesty, as imposes a duty on tea imported from *Great Britain* into any colony or plantation in *America*, or relates thereto.

Cap. 13. To enable his Majesty to appoint commissioners with sufficient powers to treat, consult, and agree upon the means of quieting the disorders now subsisting in certain of the colonies, plantations, and provinces of *North America*.

Cap. 14. For defraying the charge of the pay and cloathing of the militia in that part of *Great Britain* called *England*, for one year, beginning the twenty-fifth day of *March*, one thousand seven hundred and seventy-eight; and for filling up vacancies in the militia, in the cases therein mentioned.

Cap. 15. For the relief of the captors of prizes, with respect to the bringing and landing certain prize goods in this kingdom.

Cap. 16. For allowing the exportation of certain quantities of wheat-flour, biscuit, and pease, to *Newfoundland*, *Nova Scotia*, *Bay Chaleur*, and *Labrador*.

Cap. 17. For building an additional jail, and also a prison and house of correction, within the county of *Cornwall*; and for other purposes therein mentioned.

Cap. 18. To explain an act, passed in the seventh year of the reign of his late majesty King *George the Second*, intituled, *An act for the more effectual preventing the forging the acceptance of bills of exchange; or the numbers or principal sums of accountable receipts, bills, or other securities for payment of money; or warrants for payment of money or delivery of goods.*

For the payment of costs to parties, on complaints deter-

A TABLE of the STATUTES.

determined before justices of the peace out of sessions; for the payment of the charges of constables in certain cases; and for the more effectual payment of charges to witnesses and prosecutors of any larceny, or other felony.

Cap. 20. For further continuing the duties granted by three acts, made in the fifth and twenty-fifth years of his late majesty King George the Second, and in the third year of his present Majesty's reign, for enlarging the pier and harbour of *Scarborough*, in the county of *York*.

Cap. 21. For the more effectually carrying into execution the powers contained in two several acts of parliament, the one made in the twelfth year of his present Majesty's reign, *for making a navigable cut or canal from the river Dee, within the liberties of the city of Chester, to or near Middlewich and Nantwich, in the county of Chester*; and the other made in the seventeenth year of his said Majesty's reign, for varying and enlarging the powers of the said former act.

Cap. 22. For raising a certain sum of money by way of annuities, and for establishing a lottery.

Cap. 23. For appointing commissioners to put in execution an act of this session of parliament, intituled, *An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and seventy-eight*, together with those named in two former acts for appointing commissioners of the land tax.

Cap. 24. For allowing the re-importation of unmanufactured tobacco from foreign parts, although the same may have been sold abroad; and the importation of tobacco the growth and product of the island of *Dominica*, under certain regulations and restrictions.

Cap. 25. For allowing corn, grain, and flour, imported into the ports of *Portsmouth*, *Sandwich*, *Gbichester*, and *Chester*, to be landed without payment of the duties, under the like restrictions as corn, grain, and flour, is allowed to be landed at the several ports mentioned in an act, made in the thirteenth year of the reign of his present Majesty, intituled, *An act to regulate the importation and exportation of corn*.

Cap. 26. For granting to his Majesty certain duties upon all inhabited houses within the kingdom of *Great Britain*.

Cap. 27. For granting to his Majesty several additional duties upon wines and vinegar imported into this kingdom.

Cap. 28. For repealing so much of an act, made in the thirteenth year of his present Majesty's reign, intituled, *An act to explain, amend, and reduce into one act of parliament, the general laws now in being for regulating the turnpike roads in that part of Great Britain called England, and for other purposes*; as is to subject carriages, having the fellyes of the wheels thereof of less breadth or gauge than six inches, to the payment of double tolls; and for vacating contracts for leasing tolls.

Cap. 29. For empowering the commissioners and governors

A TABLE of the STATUTES.

of the royal hospital for seamen at *Greenwich*, in the county of *Kent*, to exchange certain messuages, lands, tenements, tithes, and hereditaments, belonging to them in the parishes of *Alnwick*, *Embleton*, and *Warkworth*, in the county of *Northumberland*, for other lands belonging to the most noble *Hugh* duke of *Northumberland*, in some one or more of the open common fields at *Corbridge*, in the said county; and to empower the said commissioners and governors to grant leases, in manner therein mentioned.

Cap. 30. For the more effectually levying of the duty upon servants in that part of *Great Britain* called *Scotland*.

Cap. 31. For enabling his Majesty to settle on their royal highnesses the princes *Frederick* bishop of *Osnaburgh*, *William Henry*, *Edward*, *Ernest Augustus*, *Augustus Frederick*, and *Adolphus Frederick*, an annuity of sixty thousand pounds *per annum*; and also to settle on their royal highnesses the princesses *Charlotte Augusta Matilda*, *Augusta Sophia*, *Elizabeth*, *Mary*, and *Sophia*, one other annuity of thirty thousand pounds *per annum*; and also to settle on his highness prince *William Frederick* one other annuity of eight thousand pounds *per annum*, and on her highness the princess *Sophia Matilda* one other annuity of four thousand pounds *per annum*.

Cap. 32. For further continuing so much of certain duties as have by several acts of parliament been granted and continued for repairing and maintaining the harbours of *Dover* and *Rye*, as are applicable to completing and keeping in repair the said harbour of *Rye*, in the county of *Suffex*.

Cap. 33. For the better preservation of fish, and regulating the fisheries, in the rivers *Severn* and *Verniew*.

Cap. 34. For the more easy and speedy recovery of small debts, within the soake of *Bolingbroke* and wapentake of *Candlehoe*, in the parts of *Lindsey*, in the county of *Lincoln*.

Cap. 35. For the better relief and employment of the poor within the hundred of *Stow*, in the county of *Suffolk*.

Cap. 36. For the more easy and speedy recovery of small debts, within the isle of *Ely*, in the county of *Cambridge*.

Cap. 37. For paving parts of the footpaths on the sides of the great road, called *Whitechapel Road*, in the county of *Middlesex*; and also the several streets, lanes, roads, and passages, opening into the same; and for preventing obstructions, nuisances, and annoyances therein, and near thereto.

Cap. 38. For raising a certain sum of money by loans or exchequer bills, for the service of the year one thousand seven hundred and seventy-eight.

Cap. 39. To indemnify such persons as have omitted to qualify themselves for offices and employments; and to indemnify justices of the peace, or others, who have omitted to register or deliver in their qualifications within the time limited by law, and for giving further time for those purposes; and to indemnify members and officers, in cities, corporations, and borough towns,

A TABLE of the STATUTES.

towns, whose admissions have been omitted to be stamped according to law, or, having been stamped, have been lost or mislaid; and for allowing them time to provide admissions duly stamped; and to give further time to such persons as have omitted to make and file affidavits of the execution of indentures of clerks to attornies and solicitors.

Cap. 40. To repeal such part of an act, made in the last session of parliament, as relates to the manner of discharging bonds given for the due exportation of certain goods from *Great Britain* to foreign parts; and to extend such part of the same act, as obliges the master of *British* or *Irish* ships, sailing from any of his Majesty's dominions into the *Baltic*, to deliver a manifest of their cargoes to the *British* consul residing there, to the like vessels sailing into *Denmark*, *Norway*, and *Archangel*.

Cap. 41. For uniting the free grammar school of *James King* of *England*, within the town of *Henley upon Thames*, in the county of *Oxford*, with the charity school founded in the same town by dame *Elizabeth Periam* widow; and for the better regulation and management of the said endowments.

Cap. 42. To enable the corporation of *Trinity House* of *Deptford Strond* to establish and maintain a light house on the rocks called *The Smalls*, in *Saint George's Channel*.

Cap. 43. To repeal an act, passed in the last session of parliament, for the recovery of small debts, within the several parishes of *Surfleet*, *Gosberton*, *Quadrington*, *Bicker*, *Swinclhead*, *Wigtoft*, *Sutterton*, *Algarkirke*, *Foldyke*, *Kirton*, *Frampton*, *Wiberton*, and *Brothertoft*, within the hundred of *Kirton*, and county of *Lincoln*.

Cap. 44. For building a stone bridge across the river *Tyne*, opposite the town of *Hessham*, in the county of *Northumberland*, and for making proper roads and avenues to and from the same.

Cap. 45. To continue the several laws therein mentioned, relating to the allowance upon the exportation of *British-made* gunpowder; to the further encouraging the manufacture of *British* sail cloth, and to the duties payable on foreign sail cloth; to the granting a liberty to carry sugars of the growth, produce, or manufacture, of any of his Majesty's sugar colonies, directly to foreign parts, in ships built in *Great Britain*, and navigated according to law; to the further punishment of persons going armed or disguised, in defiance of the laws of customs or excise; to the prohibiting the importation of light silver coin of this realm from foreign countries into *Great Britain* or *Ireland*, and to restrain the tender thereof beyond a certain sum; to the granting a bounty upon flax-seed imported into *Ireland*; to the better regulating of pilots for the conducting of ships and vessels from *Dover*, *Deal*, and *Isle of Thanet*; and to revive and continue so much of an act, made in the sixteenth year of his present Majesty's reign, as relates to allowing the exportation of certain quantities of wheat, and other articles, to his Majesty's sugar colonies in *America*.

A TABLE of the STATUTES.

Cap. 46. For allowing further time for insolment of deeds and wills made by papists, and for relief of protestant purchasers.

Cap. 47. To amend such part of an act, made in the forty-third year of the reign of Queen *Elizabeth*, intituled, *An act for the relief of the poor*, as relates to the binding of parish apprentices.

Cap. 48. For empowering the mayor, aldermen, and common, of the city of *London*, in common council assembled, to raise, upon the credit of the surplusses to arise out of a certain fund, commonly called *The Orphans Fund*, the sum of forty thousand pounds, towards discharging the debt incurred in rebuilding the gaol of *Newgate*, and a *Sessions-house* adjoining, and for completing the said gaol, and building an infirmary thereto; and other the purposes therein mentioned.

Cap. 49. For applying the sum of one thousand pounds, to arise out of the surplusses of a certain fund, commonly called *The Orphans Fund*, for the purpose of opening communications between *Wapping-street* and *Ratcliff-highway*, and between *Old Gravel-lane* and *Virginia-street*, within the parishes of *Saint George* and *Saint John* of *Wapping*, in the county of *Middlesex*.

Cap. 50. For applying the sum of one thousand five hundred pounds, to arise out of the surplusses of a certain fund, commonly called *The Orphans Fund*, for the purpose of widening certain avenues leading into *Goodman's Fields*, in the county of *Middlesex*.

Cap. 51. For applying the sum of four thousand pounds, to arise out of the surplusses of a certain fund, commonly called *The Orphans Fund*, towards completing the paving of the town and borough of *Southwark*, and certain parts adjacent, in the county of *Surrey*.

Cap. 52. For the relief of insolvent debtors; and for the relief of bankrupts, in certain cases.

Cap. 53. For the more easy and better recruiting of his Majesty's land forces and marines.

Cap. 54. For granting to his Majesty a certain sum of money out of the sinking fund; and for applying certain monies therein mentioned for the service of the year one thousand seven hundred and seventy-eight; and for further appropriating the supplies granted in this session of parliament; and for carrying to the aggregate fund a sum of money which hath arisen by the two sevenths excise.

Cap. 55. To permit the exportation of certain goods, directly from *Ireland*, into any *British* plantation in *America*, or any *British* settlement on the coast of *Africa*; and for further encouraging the fisheries and navigation of *Ireland*.

Cap. 56. To permit the importation of cotton-yarn, the manufacture of *Ireland*, into this kingdom duty-free.

Cap. 57. For raising a further sum of money, by loans or exchequer bills, for the service of the year one thousand seven hundred and seventy-eight.

Cap. 58.

A TABLE of the STATUTES.

Cap. 58. To explain and amend so much of an act, made in the fourth year of the reign of his present Majesty, as relates to the preventing the clandestine conveyance of sugar and paneles from the *British* colonies and plantations in *America* into *Great Britain*.

Cap. 59. To amend and render more effectual the laws relating to the raising and training the militia within that part of *Great Britain* called *England*; and to establish certain regulations with respect to officers serving in the corps of fencible men directed to be raised in that part of *Great Britain* called *Scotland*, and certain other corps therein mentioned.

Cap. 60. For relieving his Majesty's subjects professing the popish religion from certain penalties and disabilities imposed on them by an act, made in the eleventh and twelfth years of the reign of King *William* the Third, intituled, *An act for the further preventing the growth of popery*.

Cap. 61. For repealing certain provisions in two acts, made in the first year of the reign of Queen *Anne*; one intituled, *An act for the relief of the protestant purchasers of the forfeited estates in Ireland*; and the other intituled, *An act for advancing the sale of the forfeited estates in Ireland, and for vesting such as remain unsold by the present trustees in her Majesty, her heirs and successors, for such uses as the same were before vested in the said trustees; and for the more effectual selling and setting the said estates to protestants; and for explaining several acts relative to the lord Bophin and sir Redmond Everard*.

Cap. 62. To continue an act, made in the sixteenth year of his present Majesty, intituled, *An act to authorise, for a limited time, the punishment, by hard labour, of offenders who, for certain crimes, are or shall become liable to be transported to any of his Majesty's colonies and plantations*.

Cap. 63. For enabling trustees under particular turnpike acts, to meet and carry such acts into execution, notwithstanding they may not have met or adjourned agreeable to the directions of such acts; and for preventing disputes touching the payment of tolls for horses or carriages belonging to or employed by officers or soldiers on duty.

Cap. 64. For enabling his Majesty to raise the sum of one million, for the uses and purposes therein mentioned.

Cap. 65. For settling and securing a certain annuity on the earl of *Chatham*, and the heirs of the body of the late *William Pitt* earl of *Chatham*, to whom the earldom of *Chatham* shall descend, in consideration of the eminent services performed by the said late earl to his Majesty and the publick,

Cap. 66. For making proper drains and sewers, for the purpose of carrying off the water from the prebendal estate of *Halliwell* and *Finsbury*, in the suburbs of the city of *London*; and for other purposes therein mentioned.

Cap. 67. For authorising the justices of the peace for the county of *Middlesex*, to sell the present session-house for the said county,

A TABLE of the STATUTES.

county, and for enabling them to build another session-house in a more convenient situation, and to keep the same in repair; and for applying the sum of eleven thousand pounds (to be borrowed upon the credit of the surplusses of a certain fund, commonly called *The Orphans Fund*) towards defraying the expence of building the said session-house.

Cap. 68. For building a bridge across the river *Tawey*, at a place called *The Wich Tree*, in the parish of *Llansamlett*, to the opposite shore in the parish of *Llangevelach*, in the county of *Glamorgan*; for making proper avenues or roads to and from the said bridge; and also for repairing and widening the road from *Pentra-brook*, near a place called *Aberdwyberthy*, in the parish of *Saint John's*, near *Swansea*, to the said intended bridge.

Cap. 69. For repairing the highways and bridges in the county of *Stirling*.

Cap. 70. To enable *Hector Munro Esquire*, to build and maintain a harbour and pier at the town of *Findhorn*, in the county of *Elgin* and *Forres*.

Cap. 71. For empowering the mayor, aldermen, and commons, of the city of *London*, in common council assembled, to make a street or opening from *Moorfields*, opposite *Chiswell-street*, towards the east into *Bishopsgate-street*; and also from the east end of *Chiswell-street* westward into *Barbican*; and to raise, upon the credit of the surplusses to arise out of a certain fund, commonly called *The Orphans Fund*, the sum of sixteen thousand five hundred pounds for such purpose.

Cap. 72. For erecting a building for holding the courts and exercising the jurisdiction of the dean and chapter of the collegiate church of *Saint Peter* in *Westminster*, within the city and liberty of *Westminster*, and for holding the quarter sessions of the peace, and transacting the other publick business of the said city and liberty; and for appropriating part of the surplusses of the *Orphans Fund*, towards defraying the expence thereof.

Cap. 73. For paving the high street or road leading from *Aldersgate-bars*, in the parish of *Saint Botolph without Aldersgate*, *London*, to the turnpike near the end of *Goswell-street*, in the county of *Middlesex*; and for applying the sum of five thousand pounds, to be raised upon the credit of the surplusses to arise out of a certain fund, commonly called *The Orphans Fund*, for such purpose.

Cap. 74. To amend an act, passed in the twenty-sixth year of King *George the Second*, more effectually to enable the parishioners of the parish of *Christchurch*, in the county of *Middlesex*, to purchase, hire, or erect a workhouse, for the employing and maintaining the poor of the said parish, and for the more effectual support and employment of the poor therein.

Cap. 75. For making a navigable canal from the town of *Basingstoke*, in the county of *Southampton*, to communicate with the river *Wey*, in the parish of *Cherissey*, in the county of *Surrey*; and

A TABLE of the STATUTES,

and to the south-east side of the turnpike road in the parish of *Turgiss*, in the said county of *Southampton*.

Cap. 76. For better paving, cleansing, lighting, and watching, the streets and lanes in the town of *Dover*, in the county of *Kent*, and in the several parishes of *Saint Mary the Virgin* and *Saint James the Apostle* in the said town and county; and for removing and preventing nuisances and annoyances therein.

Cap. 77. For paving and repairing the streets, lanes, and other publick passages and places, within such part of the liberty of *Norton Fulgate*, in the county of *Middlesex*, as is extra-parochial; and certain parts of *Magpie-alley*, and *Blossom-street*, in the parish of *Saint Leonard Shoreditch*, in the said county; and for removing obstructions and annoyances therein.

Cap. 78. For applying the sum of nine thousand pounds, to arise out of the surplusses of a certain fund, commonly called *The Orphans Fund*, for the purpose of making a passage for carriages from *Spital-fields* to *Bishopsgate-street*, in the county of *Middlesex*.

Cap. 79. For paving, cleansing, lighting, and watching, the town of *Northampton*; and for removing and preventing incroachments, obstructions, and annoyances therein.

Cap. 80. For widening and improving a certain avenue called *Dirty-lane*, and part of *Brick-lane*, leading from *Whitechapel* to *Spital-fields*, in the county of *Middlesex*; and for paving *Dirty-lane*, and also the east side of *Petticoat-lane*, from *Whitechapel High-street* to *Wentworth-street*; the said avenue called *Wentworth-street*; from thence in one continued line through *Old Montague-street*, *Chapel-street*, and *Princes-row*, to *Baker's-row* inclusive, and the several streets and passages leading into the same; and for removing all obstructions and encroachments therefrom, and preventing the like for the future.

Cap. 81. For continuing the terms and enlarging the powers of two acts, one passed in the seventh and the other in the eighth years of his present Majesty's reign, for repairing and widening the roads from *Oxford* over *Botley-causeway*, to *Fisfield*, in the county of *Berks*, and *Witney*, in the county of *Oxford*.

Cap. 82. To enlarge the term and powers of several acts passed in the sixth and twelfth years of King *George* the first, the twenty-eighth year of his late Majesty, and the ninth year of his present Majesty, for repairing the roads from *Stevenage*, in the county of *Hertford*, to *Biggleswade*, in the county of *Bedford*, and other roads therein mentioned.

Cap. 83. To enlarge the term and powers of an act, made in the twenty-fifth year of the reign of his late majesty King *George* the Second, for repairing the road leading from *Long Horsley bar or gate*, on the post road near the town of *Morpeth*, by or through *Long Horsley*, *Weldon-bridge*, and *Whittingham*, to the river *Breamish*, and from thence to *Percy's Cross*, in the county of *Northumberland*.

Cap. 84.

A TABLE of the STATUTES. 1

Cap. 84. To enlarge the term and powers of several acts for repairing the road from *Highgate Gatehouse*, in the county of *Middlesex*, to *Barnet Blockhouse*, in the county of *Hertford*; and the road from the *Bear-inn* in *Hadley* to the *Angel* in *Enfield-chace*; and also *Canewood-lane* leading from *Highgate* to *Hampstead*, in the said county of *Middlesex*; and the road beginning at *Barnet Blockhouse* and ending at the *Bear-inn* in *Hadley* aforesaid.

Cap. 85. For continuing the term, and altering and enlarging the powers, of an act, made in the thirty-second year of the reign of his late majesty King *George the Second*, for repairing the road from *Wakefield* to *Austerlands*, in the west riding in the county of *York*.

Cap. 86. To enlarge the term and powers of an act, passed in the thirty-third year of King *George the Second*, for repairing and widening the road from *The Bars* at *Boughton*, within the liberties of the city of *Chester*, to *Whitchurch*, and from thence to *Newport*, in the county of *Salop*, and other roads in the said act mentioned; and for making a road of communication from the said road between *Whitchurch* and *Newport*, to the present turnpike road from *Newport* aforesaid to *Eccleshall*, in the county of *Stafford*.

Cap. 87. To enlarge the term of an act passed in the thirtieth year of his late majesty King *George the Second*, for repairing and widening the road from *Towcester*, through *Silverston* and *Brackley*, in the county of *Northampton*, and *Ardley*, and *Middleton Stoney*, to *Weston-gate*, in the parish of *Weston* on the *Green*, in the county of *Oxford*.

Cap. 88. For repairing and widening the road from *The Birches Brook* to *Buildwas-bridge*, and from thence to join the *Watling-street* turnpike road at *Tern-bridge*, in the county of *Salop*.

Cap. 89. For enlarging the term and powers of an act, made in the twenty-ninth year of the reign of his late majesty King *George the Second*, for amending, widening, and keeping in repair, several roads leading from the market-house in the town of *Much Wenlock*, in the county of *Salop*, and for amending, widening, and keeping in repair, the road leading from *Gleeton-hill* to *Cressage*, in the said county.

Cap. 90. To enlarge the term and powers of three acts, of the third and seventeenth years of the reign of King *George the Second*, and the tenth year of the reign of his present Majesty, for repairing the road leading from *Galley-corner*, adjoining to *Enfield-chace*, in the parish of *South Mims*, in the county of *Middlesex*, to *Lemsford-mill*, in the county of *Hertford*.

Cap. 91. For repairing and widening the road from *Stokenchurch*, in the county of *Oxford*, to *Wheatley-bridge*, and from the said bridge to *Enslow-bridge*, and from *Wheatley-bridge* to the mileway leading towards *Magdalen-bridge*; and from the mileway leading from *Saint Giles's Church*, near the city of *Oxford*, by *Begbroke*, to *New Woodstock*, in the said county.

Cap. 92.

I A TABLE of the STATUTES.

Cap. 92. For continuing the term and altering and enlarging the powers of an act, made in the twenty-sixth year of the reign of his late Majesty, *for widening and repairing the high road leading from Northallerton to the south wall of the church-yard of the town of Thirsk, and from the south-east end of the street called Finkell-street, in Thirsk aforesaid, to and through the town of Easingwold, in the county of York, to a place called Burton-stone, near the city of York; and also the road from Thirsk aforesaid to Topcliffe, in the north riding of the county of York.*

Cap. 93. For repealing certain parts of three several acts of parliament, of the first, the seventeenth, and the thirtieth years of the reign of his late majesty King George the Second, made for repairing several roads leading to and from the borough of *Evesham*, in the county of *Worcester*; and for repairing and widening the road from *Evesham-bridge*, in the said borough, to the *Globe Inn* in *Alcester*, in the county of *Warwick*.

Cap. 94. For enlarging the term and powers of an act, made in the thirtieth year of the reign of his late majesty King George the Second, *for amending, widening, and keeping in repair, the roads from the east end of the town of Hertford, in the county of Hertford, through Watton, to Broadwater, and from the town of Ware, through Watton, to the north end of the town of Walkern, in the said county.*

Cap. 95. For amending, widening, turning, altering, and keeping in repair, the roads from *Whistle-bridge*, in the parish of *Barwick*, in the county of *Somerset*, to the turnpike road in the parish of *Charminster*, in the county of *Dorset*; and from the cross in the town of *Maiden Newton*, to a stream of water in the parish of *South Perrott*, in the county of *Dorset*; and from a place called *Furze-moor Gate*, in the parish of *Broadwinfor*, to *Lenham's Water*, in the parish of *Beamister*; and from *Bugler's corner* in the town of *Beamister*, to the *Dorsetshire Inn*, in the parish of *Woolcombe*; and from *Upsydling Ewe Leaze*, to the town of *Cerne Abbas*; and from the town of *Frampton*, to join the western turnpike road near *Steepleton*, in the said county of *Dorset*.

Cap. 96. For continuing the term and altering and enlarging the powers of an act, made in the thirty-second year of the reign of his late majesty King George the Second, *for repairing and widening the road leading from the east side of Barnsley Common, in the county of York, to the middle of Grange Moor, and from thence to White Cross; and also the road from the guidepost in Barugh to a rivulet called Barugh Brook, and from thence for two hundred yards over and beyond the same rivulet or brook into the township of Cawthorne, in the said county.*

Cap. 97. For more effectually amending, widening, and keeping in repair, several roads leading from the town of *Taunton*, in the county of *Somerset*; and for repealing two acts, one of the twenty-fifth year of his late Majesty, and the other of the fifth year of his present Majesty, relating to the said roads;

and

A TABLE of the STATUTES. 1

and for amending, widening, and keeping in repair, several other roads adjoining thereto.

Cap. 98. For repairing and widening the road from the city of Gloucester to the town of Stroud, in the county of Gloucester.

Cap. 99. For enlarging the term and powers of an act, made in the twenty-ninth year of the reign of his late majesty King George the Second, *for amending and keeping in repair the roads leading from a place called Fryer Bacon's Study to Chilton Pond; and from the top of Hinksey-hill to Foxcombe-hill Gate in the road leading to Farringdon, in the county of Berks.*

Cap. 100. For continuing the term and altering and enlarging the powers of an act, made in the twenty-sixth year of the reign of his late Majesty, *for repairing, amending, and widening, the several roads leading from the Red Post, in the parish of Five-head, through the towns of Langport and Somerton, to Butwell; and also from Currey Rivell to Puckington-lane, and from Cary-bridge to Street Cross, in the county of Somerset; and for amending, widening, and keeping in repair, several other roads adjoining thereto.*

Cap. 101. For continuing the term and altering and enlarging the powers of an act, made in the twenty-sixth year of the reign of his late Majesty, *for repairing and widening the roads therein mentioned, leading to and from the towns of Shepton Mallet and Iwelchester, in the county of Somerset, so far as the same relates to the roads, therein called The Iwelchester Turnpike Roads.*

Cap. 102. To enlarge the term and powers of an act, passed in the twenty-ninth year of the reign of King George the Second, *for repairing and widening the roads leading from the city of Gloucester, towards Cheltenham and Tewkesbury, in the county of Gloucester.*

Cap. 103. For repairing and widening the road from Chippenham-bridge, in the county of Wilts, to the top of Togg-hill, in the county of Gloucester; and from the stone pillar to the top of Old Sodbury Hill, in the said county of Gloucester.

Cap. 104. For enlarging the term and powers of an act, made in the thirty-first year of the reign of his late majesty King George the Second, intituled, *An act for repairing and widening the roads from Donnington High-bridge to Hale Drove, and to the eighth mile-stone, in the parish of Wigtoft, and to Ladgret Ferry, in the county of Lincoln.*

Cap. 105. For enlarging the term and powers of an act, made in the thirty-first year of the reign of his late Majesty, *for repairing the roads from Leeds to Sheffield, in the county of York, so far as the same relates to the road from Wakefield to Sheffield; and also one other act, made in the first year of the reign of his present Majesty, for amending and rendering more effectual the said act.*

Cap. 106. To enlarge the term and powers of several acts, passed in the fourth year of King George the First, and the ninth and thirtieth years of King George the Second, *for repairing the highways*

A TABLE of the STATUTES.

highways from Crown Corner, in the town of Reading, leading by and through the several parishes of Shinfield and Heckfield, in the several counties of Berks, Wilts, and Southampton, to Basingstoke, in the said county of Southampton.

Cap. 107. To enlarge the term and powers of an act, passed in the twenty-fifth year of the reign of his late majesty King George the Second, *for repairing the road leading from the town of Morpeth, by or through Mitford, Thropple, Long-witton, and by the north side of Rothley Park Wall, to Sting Cross, and to the High Cross in Elsdon, in the county of Northumberland.*

Cap. 108. For continuing and amending an act, made in the twenty-sixth year of the reign of his late Majesty, *for repairing the road leading from the town of Penrith, in the county of Cumberland, by Hutton Hall, over Skelton and Castle Sowerby Pastures, and Sebraham-bridge, to Chalk Beck, in the said county; and also the road which branches and separates from the same road, upon Castle Sowerby Pasture aforesaid, and leads from thence through Hesketh, otherwise Hesketh-newmarket, to Caldbeck, in the said county.*

Cap. 109. To empower the trustees for amending the road from *Uttoxeter to Newcastle-under-lyme*, in the county of Stafford, to repair and widen the road branching out of the said road at *Wolver-lane*, to the turnpike road on *Hem-beath*, in the same county.

Cap. 110. For enlarging the term and powers of an act, passed in the thirtieth year of the reign of his majesty King George the Second, *for repairing and widening the road from the north end of Dapdon-wharf, in the parish of Stoke, next Guldeford, through Guldeford to Andrew's Cross, and to Alfold-bars, in the county of Surrey, and from thence to Saint Mary's Gate, in Arundel, in the county of Sussex.*

Cap. 111. For continuing the term of an act, made in the twenty-ninth year of his late Majesty, intituled, *An act for amending, repairing, and widening, the roads leading from the Rye-way, in the parish of Yarpole, in the county of Hereford, to Presteigne, in the county of Radnor, and from thence to Leintwardine; and from Presteigne aforesaid, to the top of Trasp-hill; and from the Rye-way aforesaid, by the Maidenhead, to Woolerton, in the county of Salop; and for amending, widening, and keeping in repair, several other roads, branching out of the roads comprised in the said act.*

Cap. 112. For more effectually amending, widening, and keeping in repair, the roads leading from the town of *Northampton to Chain-bridge*, near the town of *Market Harborough*, and from the direction-post in *Kingsthorpe*, in the county of *Northampton*, to *Welford-bridge*, in the said county; and for repealing several acts, made in the eighth year of King George the First, and the twelfth and twenty-third years of his late Majesty, relating to the said roads.

Cap. 113. For continuing the term and altering and enlarging

A TABLE of the STATUTES.

ing the powers of an act made in the twenty-sixth year of the reign of his late majesty King George the Second, intituled, *An act for repairing, amending, and widening the road from Keighley, in the west riding of the county of York, to Kirkby in Kendal, in the county of Westmorland.*

Cap. 114. For repairing and widening the road from *Tetbury*, in the county of *Gloucester*, to and through *Malmesbury*, to *Chippenham-bridge*, in the county of *Wilts*; and from *Malmesbury* to the turnpike road at or near *Jackament's Bottom*, in the said county of *Gloucester*; and also the road from *Faddington* to *Cricklade*, from thence to *Malmesbury*, and to the turnpike road at *Aston Turville*; and also from *Sherstone* to the turnpike road leading from *Tetbury* to *Bath*.

Cap. 115. For repealing an act, made in the twenty-fifth year of the reign of his late majesty King George the Second, for repairing and widening the road leading from a part of the road (directed to be repaired by an act passed in the last session of parliament, from *Carlisle* to *Newcastle upon Tyne*) near *Glenwhelt*, to another part of the road (so making from *Carlisle* to *Newcastle*) upon *Shildon Common*, in the county of *Northumberland*; and for making more effectual provision for the repair of the said road.

Cap. 116. For altering, repairing, and widening, the road from *Summer Rods Bar*, near the town of *Hexham*, in the county of *Northumberland*, to the town of *Alston*, in the county of *Cumberland*.

P R I V A T E A C T S.

1. **A**N act to enable the right honourable *Robert Craggs* earl *Nugent*, and the right honourable *Charles Townshend*, to take in *Great Britain* the oath of office, as vice treasurer, and receiver general, and paymaster general of all his Majesty's revenues in the kingdom of *Ireland*; and to qualify themselves for the enjoyment of the said offices.

2. An act for rectifying a mistake in the name of one of the commissioners appointed to put in execution an act made in the last session of parliament, for dividing and inclosing the several open common fields, meadows, pastures, commons, and waste grounds, within the townships of *Cantley*, *Brampton*, *Bessacarr*, and *High-Ellars*, within the several manors of *Brampton* and *Bessacarr*, in the parish of *Cantley*, in the *West Riding* of the county of *York*.

3. An act for naturalizing *Francis Popham*.

4. An act for naturalizing *John Meyer* and *Christopher Henry Martens*.

3. An

A TABLE of the STATUTES.

5. An act for vesting certain messuages, lands, and hereditaments, in the county of *Kent* (part of the estates devised and settled by the will of *John Thoys*, deceased) in trustees, to be sold, and conveyed to sir *Sampson Gideon* baronet, and his heirs; and for laying out the monies, arising by such sale, in the purchase of other lands and hereditaments, to be conveyed and settled to and upon the like uses and trust, in the said will.

6. An act for dividing, allotting, and inclosing, the open and common fields, meadows, and common grounds, within the parish of *Bulwick*, in the county of *Northampton*.

7. An act for dividing and inclosing the open and common fields, common pastures, common meadows, and other commonable lands, in the liberties of *Kimcoate* and *Walton*, in the parishes of *Kimcoate* and *Knabtoft*, in the county of *Leicester*.

8. An act for dividing and inclosing the common and open fields, meadows, commonable lands, and waste grounds, in the parish of *Titchmarsh*, in the county of *Northampton*.

9. An act for dividing, allotting, and inclosing, the open fields, commons, and waste grounds, in the parish, lordship, and liberty of *Sapcote*, in the county of *Leicester*.

10. An act for dividing, allotting, and inclosing, the open and common fields, common pastures, common meadows, heath, and other commonable lands and grounds, of and within the manor and parish of *Great Billing*, in the county of *Northampton*.

11. An act for dividing and inclosing the common and open fields, meadows, and commonable lands, in the parish of *Rusden*, in the county of *Northampton*.

12. An act for dividing and allotting the open and common fields, downs, and commonable grounds, in the hamlet or tithing of *Bockampton*, in the parish of *Chipping Lambourne*, in the county of *Berks*.

13. An act for dividing and inclosing several open fields, and stinted pastures, or waste grounds, in the manor of *North Dalton*, in the *East Riding* of the county of *York*.

14. An act for dividing, allotting, and inclosing the open fields, and common or waste land, in the lordship of *Long Whetton*, in the county of *Leicester*.

15. An act for regulating the locking of a certain piece of inclosed pasture ground, called *Nazeing Wood*, or *Nazeing Park*, in the manor and parish of *Nazeing*, in the county of *Essex*, and for keeping the fences thereof in repair.

16. An act for dividing and inclosing the commons and waste grounds within the manor of *Clifton upon Calder*, in the *West Riding* of the county of *York*.

17. An act for dividing and inclosing the common or waste ground, called *Brislington* otherwise *Busleton Common*, in the parish of *Brislington* otherwise *Busleton*, in the county of *Somerset*.

18. An act for dividing and inclosing the several commons and waste grounds, within the manors of *Lathom* and *Skelmersdale*, in the parish of *Ormskirk*, in the county palatine of *Lancaster*.

91. An

A TABLE of the STATUTES.

19. An act for dividing and inclosing the common and open fields, meadows, commonable lands, and waste grounds, in the parish of *Isham*, in the county of *Northampton*.

20. An act for dividing and inclosing the open fields, meadows, and common pastures, within the lordship or parish of *Castle Donington*, in the county of *Leicester*.

21. An act for dividing and inclosing certain open and common fields, common meadows, common pastures, and other commonable and waste lands, within the parish of *Highbworth*, in the county of *Wilts*.

22. An act to enable *Walter James Head* esquire, a minor, and his issue, to take and use the surname of *James* only, and to bear the coat armour of the family of *John James* esquire, deceased.

23. An act for enabling *Charles Wyndham* esquire (now called *Charles Edwin*) and his heirs male, to take and use the surname of *Edwin* only.

24. An act for naturalizing *David Henry De Beanne*.

25. An act for naturalizing *Hans Arfwidsson*.

26. An act for naturalizing *Charles Frederick Loudonsack*.

27. An act for naturalizing *Henry Wilkens*.

28. An act for naturalizing *John Christian Deane* and *Jacob Gottfried Hippius*.

29. An act for naturalizing *James Cazenove*.

30. An act for naturalizing *Francis Long*.

31. An act for naturalizing *Antonie Bazin*.

32. An act to enable the lord archbishop of *Canterbury* to enfranchise and grant a small parcel of glebe and waste land, belonging to the manor of *Lambeth*, in the county of *Surrey*; and also to enable the rector of the parish of *Saint Mary, Lambeth*, or his successors, to build a parsonage-house on part of the said glebe and waste land, and to grant building leases of other parts thereof, and for other the purposes therein mentioned.

33. An act for vesting in the right honourable *Charles Howard* esquire, commonly called *Charles Earl of Surrey*, and his heirs, the settled estates of the said earl, in the counties of *Cumberland*, *Westmorland*, and *Surrey*, subject to certain charges affecting the same.

34. An act for vesting the timber and wood growing upon estates of *Henry Perryn* Esquire, in the county of *York*, in trustees, to sell the same, and to apply the money arising therefrom for making a recompense to sir *Richard Perryn*, his father, for the charges and expences of making buildings and improvements upon the same estate, and for the other purposes therein mentioned.

35. An act for annexing a portion of the rectory, and of the rectory manor thereto belonging, of *Huntspill*, in the county of *Somerset*, to the office of master of *Balhol College*, in *Oxford*.

36. An act for establishing an agreement, for discharging the manor of *Laughton*, in the county of *Leicester*, and certain lands and hereditaments in the parish of *Laughton*, from the payment of

A TABLE of the STATUTES.

of tithes, or any modus or rate for tithe; and for vesting other lands and hereditaments in the rector of the said parish, and his successors, as a compensation for the said tithes, and in lieu thereof.

37. An act for dividing and allotting certain open and common fields, and commonable lands or grounds, in the tithing of *Ogbourn Saint Andrew*, in the county of *Wilts*.

38. An act for dividing and inclosing the open arable fields, open meadows, common pastures, and common grounds, within the parish of *Kegworth*, in the county of *Leicester*.

39. An act for dividing, allotting, and inclosing, the open and common fields, common pastures, common meadows, heath, and other commonable lands and grounds, of and within the parish of *Harpole*, in the county of *Northampton*.

40. An act for dividing, allotting, and inclosing the open fields, meadows, and commons, in the lordship of *Earl Shilton*, in the county of *Leicester*.

41. An act for dividing, allotting, and inclosing, the open common fields, common pastures, and all other commonable lands, in the tithings of *Frampton* and *Hayley*, in the parish of *Sapperton*, in the county of *Gloucester*.

42. An act for dividing and inclosing the open and common fields, common pastures, common meadows, and other commonable lands and grounds, of and within the manor, parish, and liberties, of *Braybrooke*, in the county of *Northampton*.

43. An act for dividing and inclosing certain open fields, meadows, ings, common pastures, and moors, within the parishes of *Thimbleby* and *Edlington*, in the county of *Lincoln*.

44. An act for assigning certain open and inclosed lands, and rights of common, within the manor of *Ripley*, in the county of *York*, pursuant to an agreement entered into between the trustees of *John Ingilby* esquire, a minor, and *Walter Vavasour* esquire, *Thomas Grimston*, and *Elizabeth Eteson*, and for other purposes therein mentioned.

45. An act for dividing and inclosing the open fields, meadows, common pastures, and other commonable lands and grounds, in the consolidated parishes of *Siddington Saint Peter*, and *Siddington Saint Mary*, in the county of *Gloucester*; and for taking down the rectory church of *Saint Mary*, within the said parishes.

46. An act for dividing and inclosing the open and common fields, common meadows, common grounds, and commonable lands, within the township and liberties of *Hardwicke*, in the county of *Buckingham*.

47. An act for dividing and inclosing the open and common fields, common meadows, and commonable lands and grounds, called *Shuckburgh Fields*, in the county of *Warwick*.

48. An act dividing and inclosing the open and common fields, and other commonable lands and grounds, of and within the parish and liberties of *North Marston*, in the county of *Bucks*.

A TABLE of the STATUTES.

49. An act for dividing and inclosing the common or waste ground, called *North Mym's common*, or *Wood*, in the parish of *North Mym's*, in the county of *Hertford*.

50. An Act for dividing, allotting, and laying in severalty, the open common fields, common meadows, common pastures, waste lands, and commonable places, within the parish of *Patney*, in the county of *Wilts*.

51. An act for dividing, allotting, and inclosing, the commons and waste lands within the parish of *Tacolneston*, in the county of *Norfolk*.

52. An act for dividing and inclosing the open and common fields, common meadows, common pastures, heath, and waste lands, within the manor and parish of *Hackthorne*, in the county of *Lincoln*.

53. An act for dividing and inclosing the open and common fields, and all other commonable land, in the manor and hamlet of *Cow Honeyborn*, otherwise *Chapel Honeyborn*, in the county of *Gloucester*.

54. An act for dividing, allotting, and inclosing, certain commons and waste grounds, called *Glusburn Moor*, within the manor of *Glusburn*, in the parish of *Kildwick*, in the *West Riding* of the county of *York*.

55. An act for vesting the several yearly rents and copyhold fines, payable to the lord bishop of *Durham* and his successors, and issuing out of the several messuages, lands, and tenements, within the manor of *Howden*, in the *East Riding* of the county of *York*, in trustees, to be sold; and for enabling the said lord bishop of *Durham*, and his successors, to enfranchise the several customary or copyhold messuages, lands, and tenements, within the said manor; and for applying the money arising from such sale and enfranchisement in the manner therein mentioned.

56. An act for establishing and confirming an agreement, made between the dean and chapter of *Durham*, and general *Cuthbert Ellison*, for the partition and division of a tract of unimproved land, in the parish of *Farrow*, in the county palatine of *Durham*, and the partition and division made in pursuance thereof.

57. An act to enable *John Arthur Warsop*, (heretofore called *John Arthur* esquire) to settle a jointure upon any woman or women he may hereafter marry, on the terms therein mentioned.

58. An act to empower *John Bond*, merchant, and *Sarah* his wife, or the survivor of them, during their respective lives, to grant leases of their settled estate, in the county of *Surrey*.

59. An act for vesting the settled estate of *John Bullock* esquire, and *Elizabeth* his wife, in the county of *Chester*, in trustees, to be sold, for raising money to discharge an incumbrance thereon, and laying out the surplus in the purchase of lands and hereditaments to be settled to the uses limited of the said settled estate.

60. An act for exemplifying or enrolling the will of *George* late

A TABLE of the STATUTES.

late lord *Bingley* deceased, and making such exemplification, or attested copies of the inrollment thereof, evidence as well in *Ireland* as in *Great Britain*.

61. An act for dividing and inclosing the open and common fields, common meadows, common pastures, commonable lands and waste grounds, within the parish and manor of *Hitcham*, in the county of *Buckingham*.

62. An act for dividing, allotting, and laying in severalty, the open common fields, common meadows, common pastures, waste lands, and commonable places, within the manorland tithing of *Coate*, in the parish of *Bishop's Cannings*, in the county of *Wilt*.

63. An act for dividing and inclosing a certain common moor, or tract of waste land, called *Acomb Common*, within the regality or manor of *Hexham*, in the county of *Northumberland*.

64. An act for dividing and inclosing the open and common fields, common pastures, common meadows, and other commonable lands and grounds, of and within the manor, parish, and liberties, of *Barby*, in the county of *Northampton*.

65. An act for confirming a division and inclosure of the common fields, common meadows, and common pastures, within the parish of *Little Berkford*, in the county of *Bedford*, and certain exchanges of lands and estates within the said parish.

66. An act for dividing and inclosing the open fields, meadows, pastures, commons, and waste grounds, in the township of *Kerfall*, in the parish of *Kneefall*, and county of *Nottingham*.

67. An act for dividing and inclosing the open common fields, common meadows, and pasture, waste grounds, and other commonable lands, in the parish of *Leckhampton*, in the county of *Gloucester*, and several small parcels of the said fields, which extend into the parish of *Cheltenham*, in the same county.

68. An act for confirming, establishing, and making effectual, certain articles of agreement, made and entered into, for inclosing and dividing the several commons, called *Ealing Common*, *Ealing Green*, and *Cook's Hill*, in the parish of *Hampstead Norreys*, in the county of *Berks*, and for exchanging certain lands in the said parish.

69. An act for dividing and inclosing the open and common fields, common meadows, and commonable lands and grounds, within the parish and liberties of *Napton upon the Hill*, in the county of *Warwick*.

70. An act for naturalizing *Pierre Theodore De Bruges*.

71. An act to enable the honourable *Temple Simon Luttrell* to make a jointure upon his intended wife out of his settled estate; and for making a provision, by way of equivalent, in lieu thereof.

72. An act to dissolve the marriage of *John Hooke Campbell*, esquire, with *Elizabeth Eustacia* his now wife, and to enable him to marry again, and for other purposes therein mentioned.

73. An act for dividing and inclosing the open and common fields, common pastures, common meadows, and other com-

A TABLE of the STATUTES:

monable lands and grounds, of and within the manor, parish, and liberties, of *Byfield*, and *Westrup*, in the parish of *Byfield*, in the county of *Northampton*.

74. An act for dividing and inclosing the open and common fields, common pastures, common meadows, and other commonable lands and grounds, of and within the manor, parish, and liberties, of *Fenny Compton*, in the county of *Warwick*.

75. An act for dividing and inclosing a certain common, or tract of commonable land, called or known by the name of *Westhay Moor*, within the parish of *Mear*, in the county of *Somerset*.

76. An act for dividing and inclosing the open and common fields, common pastures, and common meadows, within the parish of *Hanslop*, in the county of *Buckingham*.

77. An act for dividing and inclosing the open and common fields, common pastures, common meadows, and other commonable lands and grounds, within the parishes of *Saint Gyles*, *Saint Sepulchre*, *Saint Lawrence*, and *Saint Andrew*, in or near the town of *Northampton*, in the county of *Northampton*, some or one of them, and which are commonly called or known by the name of *Northampton Fields*.

78. An act for dividing and inclosing the open and common fields, common pastures, common meadows, and other commonable lands and grounds, of and within the manor, parish, and liberties, of *Floore*, otherwise *Flower*, in the county of *Northampton*.

79. An act for vesting part of the settled estates of sir *Robert Sutton* deceased, in the county of *Lincoln*, in sir *Richard Sutton* baronet, in fee simple; and for vesting certain lands of the said sir *Richard Sutton*, in *Eastthorpe*, in the county of *Nottingham*, in the archbishop of *York*, and his successors, in fee simple, in exchange for the mansion-house, park, and lands, of the said sir *Richard Sutton*, called *Norwood Park* and *Hall Meadow*, in the said county of *Nottingham*, now held by the said sir *Richard Sutton* upon lease for lives; and for vesting the same, together with other lands of the said sir *Richard Sutton*, in the county of *Nottingham*, in lieu of the said settled estates.

80. An act for carrying into execution an agreement entered into by sir *James Wright* baronet, for sale of the manor of *Husborne Tarrant*, and several woodlands and hereditaments in the county of *Southampton*, to *Joseph Portal*, esquire; and for laying out the money arising by such sale in the purchase of other lands and hereditaments, to be settled to the same uses.

81. An act to enable the reverend *Richard Harrington*, and the receiver for the time being of the estates of *Arthur Chambernowne* esquire, an infant, to grant leases and fetts of the same estates during his minority.

82. An act for vesting the settled estate of *Anthony Deane* the younger, esquire, in the county of *Worcester*, in trustees, to be sold; and for laying out the money arising by such sale, together

A TABLE of the STATUTES.

ther with other monies therein mentioned, in the purchase of other lands and hereditaments, to be settled, in lieu thereof, to the several uses therein expressed.

83. An act for vesting the settled estates of *Henry Martin* gentleman, and *Elizabeth* his wife, in *Elton*, in the county of *Huntingdon*, in trustees, to be exchanged, or to be sold, and the money laid out in the purchase of other lands and hereditaments, to be settled to the same uses.

84. An act to authorise sir *Lawrence Dundas* baronet, and the several other persons therein named, to insert in a deed of disposition and conveyance of lands and hereditaments in *Scotland*, agreed to be settled by articles made previous to the marriage of *Thomas Dundas* esquire, with lady *Charlotte* his wife, the like power of exchange, as is contained in the settlement made previous to the said marriage, of certain estates of the said sir *Lawrence Dundas*, in *England*.

85. An act for empowering the judges of the court of session in *Scotland* to sell such parts and portions of the entailed estates of *Shawfield*, and others, in the counties of *Lanark* and *Argyle*, belonging to *Walter Campbell*, of *Shawfield*, esquire, as shall be sufficient for payment of the debts affecting the same.

86. An act for vesting the settled estates of *Thomas Bennett* the younger, and *Elizabeth* his wife, in trustees, to be conveyed in exchange for other estates of greater value, to be settled to the same uses.

87. An act for dividing and allotting certain open and common fields in the manor and parish of *Gratley*, in the county of *Southampton*.

88. An act for dividing and inclosing certain commons and waste lands, within the townships of *Otley*, and *Newall with Clifton*, in the *West Riding* of the county of *York*.

89. An act for dividing and inclosing a common moor, or tract of waste ground, called *Fourstones Common*, within the barony or manor of *Langley*, and in the parish of *Warden*, in the county of *Northumberland*.

90. An act for dividing, inclosing, and preserving, a certain common, or parcel of waste ground, or marsh, called *Saltney Marsh*, within the manor and parish of *Hawarden*, in the county of *Flint*, and for other the purposes therein mentioned.

91. An act for dividing and inclosing the commons and waste grounds, within the township of *Ollerton*, in the parish of *Edwinstow*, in the county of *Nottingham*.

92. An act for dividing and inclosing the several commons and waste grounds within the manor of *Bolsterstone*, in the parish of *Ecclesfield*, in the county of *York*.

93. An act for dividing and inclosing the open and common fields, hills downs, pastures, and commonable lands, within the parish of *Naunton*, in the county of *Gloucester*.

94. An act for dividing and inclosing the open arable fields and commons, within the manor of *Bolsover*, in the parishes of, *Bolsover*

A TABLE of the STATUTES:

Bolsover and Clowen, in the county of Derby.

95. An act for dividing and inclosing certain open fields, meadow, carr, common, and waste ground, within the township of *Dinnington*, in the parishes of *Saint Leonard* and *Saint John*, in the county of *York*.

96. An act for dividing and inclosing certain open and common fields, and commonable lands and grounds, within the manor and parish of *Bolnburst*, in the county of *Bedford*; and for exonerating certain ancient inclosures, within the said manor and parish, from the payment of tithes.

97. An act for dividing and inclosing the open common fields, meadow grounds, common fen, and pasture, and other commonable lands, in the parish of *St. Skington*, in the county of *Lincoln*.

98. An act for dividing and inclosing the commons and waste grounds, within the township of *Northowram*, in the parish of *Halifax*, in the county of *York*.

99. An act for dividing and inclosing the open and common fields, common pastures, common meadows, common grounds, heath and waste grounds, of and within the parish of *Maidford*, in the county of *Northampton*.

100. An act for dividing, allotting, and inclosing the open and common fields, common pastures, common meadows, and other commonable lands and grounds, of and within the parish and liberties of *Wooton*, in the county of *Northampton*.

101. An act for dividing and inclosing the open and common fields, common meadows, common pastures, common ground, and waste grounds, within the manors or lordships of *Rouslench* and *Radford*, in the parish of *Rouslench*, in the county of *Worcester*.

102. An act to dissolve the marriage of sir *Patrick Blake* baronet, with dame *Annabella Blake*, his now wife; and to enable him to marry again; and for other purposes therein mentioned.

103. An act to dissolve the marriage of *Thomas Darby*, clerk, with *Mary* his wife; and to enable him to marry again; and for other purposes therein mentioned.

104. An act to dissolve the marriage of *George Christopher Degen*, with *Catherine Furlong*, his now wife; and to enable him to marry again; and for other purposes therein mentioned.

105. An act to dissolve the marriage of *Clotworthy Dobbin* esquire, with *Mary* his now wife; and to enable him to marry again; and for other purposes therein mentioned.

106. An act to enable *Edmund Hartopp* (lately called *Edmund Bunney*) esquire, and the heirs of his body by *Ann* his wife, to take and use the surname, and bear the arms of *Hartopp*.

107. An act for naturalizing *Court Henry Dirs*.

108. An act for naturalizing *Phillippe Besnard*.

109. An act concerning certain estates heretofore of *Francis Kirk* esquire, deceased, in the counties of *Oxford* and *Wilts*, (that is to say) for vesting such part thereof which hath been sold under

TABLE of the STATUTES

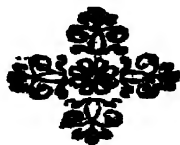
der a decree and subsequent order of the court of chancery, in trustees, to enable them to convey the same; and for carrying into execution an agreement concerning other parts of such estates; and for confirming and carrying into execution a partition made, pursuant to the said decree and subsequent order, of so much of the said estates as remain unsold; and for vesting part of such estates in *Diana Mary Barker*, and her heirs, subject to the trusts in the will of *Francis Baber* esquire, deceased, and the residue in trustees, to be sold; and for directing the application of the money which shall arise by such sale; and for other purposes therein mentioned.

110. An act for vesting certain messuages, lands, tenements, and hereditaments, in the parish of *Crayford*, in the county of *Kent*, comprised in the marriage settlement of *Shovel Blackwood* and *Sarah* his wife, in trustees, to the several uses within mentioned; and also for vesting certain other messuages, lands, tenements, and hereditaments, in the parishes of *Norborn*, *Betsbanger*, *Ham*, *Sholdon*, and *Poultons*, in the said county of *Kent*, called *Poultton Farm*, and *West Street*, and *Park Gate Farm*, intailed upon the issue male of the said *Shovel Blackwood*, in other trustees, to the several uses within mentioned.

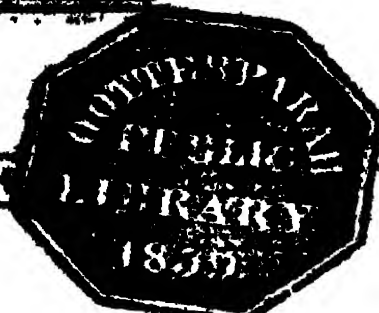
111. An act for vesting in trustees certain messuages, lands, and tenements, in the county of *Surrey*, settled in and by the will of *Thomas Bridges* esquire, deceased, to be sold and conveyed pursuant to articles; and for laying out the purchase money in other lands and tenements, to be settled to the uses of the said will.

112. An act for dividing, allotting, inclosing, and draining, certain moors, or pieces of waste land, within the parishes of *Saint John* and *Saint Benedict*, in *Glastonbury*, in the county of *Somerset*.

113. An act to enable *James Rumball*, now called *James Quilter*, his first and other sons, and their heirs male, to take and use the surname, and bear the coat armour, of *Quilter*, in pursuance of the will of *James Quilter*, esquire, deceased.



A
T A B L E
OF THE
S T A T U T E S
P U B L I C K and P R I V A T E,



Passed Anno decimo nono

G E O R G I I I I I. *Regis.*

Being the Fifth Session of the Fourteenth Parliament of
Great Britain.

P U B L I C K A C T S.

Cap. 1. **F**OR further continuing an act, made in the seventeenth year of the reign of his present Majesty, intituled, *An act to empower his Majesty to secure and detain persons charged with, or suspected of, the crime of high treason, committed in any of his Majesty's colonies or plantations in America, or on the high seas, or the crime of piracy.*

Cap. 2. For granting an aid to his Majesty by a land tax, to be raised in *Great Britain*, for the service of the year one thousand seven hundred and seventy nine.

Cap. 3. For continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and seventy-nine.

Cap. 4. For granting further time for allowing the drawback upon the exportation of certain muslins, callicoes, and coffee.

Cap. 5. For granting relief to the captors of prizes, with respect to bringing and landing certain *French* prizes in this kingdom.

Cap. 6. To authorize the lord high admiral, or the commissioners for executing the office of lord high admiral, for the time being, to order any court-martial, which may be appointed on the charge of vice admiral Sir *Hugh Peliser* against the honourable admiral *Augustus Keppel*, to be holden on shore.

A TABLE of the STATUTES.

Cap. 7. For making the church or chapel erected by *Charles Roe* esquire, in the town of *Mattlesfield*, in the county palatine of *Chester*, a perpetual cure and benefice, and for endowing the same, and vesting the right of nomination or presentation thereof in the said *Charles Roe*, his heirs and assigns, and for other purposes.

Cap. 8. For the regulation of his Majesty's marine forces while on shore.

Cap. 9. For allowing the importation of fine *organised Indian* thrown silk in any ships or vessels, for a limited time.

Cap. 10. For repealing an act, made in the last session of parliament, intituled, *An act for the more easy and better recruiting of his Majesty's land forces and marine*, and for substituting other and more effectual provisions in the place thereof.

Cap. 11. For rendering more beneficial an act, made in the thirty-first year of the reign of King *George the Second*, intituled, *An act for establishing agreements, made between Charles Brandling esquire, and other persons, proprietors of lands, for laying down a waggon way, in order for the better supplying the town and neighbourhood of Leeds, in the county of York, with coals*, by enabling the said *Charles Brandling* to supply annually, a larger quantity of coals to and for the use of the said town and neighbourhood; and for regulating the prices of carrying coals from the repository at *Casson-cloze*.

Cap. 12. For repairing the highways and bridges in the county of *Linlithgow* and *Bathgate*.

Cap. 13. For the better relief and employment of the poor, within the several hundreds of *Hartsmere*, *Hoxne*, and *Thredling*, in the county of *Suffolk*.

Cap. 14. For the better supply of mariners and seamen to serve in his Majesty's ships of war, and on board merchant ships and other trading ships and vessels.

Cap. 15. To continue an act, made in the fourteenth year of the reign of his present Majesty, (intituled, *An act for regulating Madhouses*,) for a further time therein limited.

Cap. 16. For punishing mutiny and desertion; and for the better payment of the army and their quarters.

Cap. 17. To explain and amend an act, made in the twenty-second year of the reign of his late majesty King *George the Second*, intituled, *An act for amending, explaining, and reducing into one act of parliament, the laws relating to the government of his Majesty's ships, vessels, and forces by sea*.

Cap. 18. For raising a certain sum of money by way of annuities, and for establishing a lottery.

Cap. 19. For defraying the charge of the pay and cloathing of the militia in that part of *Great Britain* called *England*, for one year, beginning the twenty-fifth day of *March*, one thousand seven hundred and seventy-one.

Cap. 20. For the better raising and securing a fund, for a provision for the widows and children of the ministers of the church of *England*, and of the heads, principals, and

A TABLE of the STATUTES.

of his late Majesty King George the Second, for the better settling the universities of *Saint Andrews, Glasgow, Edinburgh, and Aberdeen*; and for repealing two acts made in the fourteenth and twenty-second years of the reign of his late Majesty King George the Second for those purposes.

Cap. 21. For licensing and regulating lottery-office keepers,

Cap. 22. To continue several laws relating to the giving further encouragement for the importation of naval stores from the *British colonies in America*, to the landing of rum or spirits of the *British* sugar plantations before payment of the duties of excise; to the discontinuing the duties payable upon the importation of tallow, hogs' lard, and grease; to the regulating the fees of officers of the customs and naval officers in *America*; to the allowing the exportation of certain quantities of wheat, and other articles to his Majesty's sugar colonies in *America*; and to the allowing a drawback of the duties on rum shipped as stores to be consumed on board merchant ships on their voyages.

Cap. 23. More effectually to enable the president and governors of the hospital or infirmary at *Bath*, established by an act, passed in the twelfth year of the reign of his late Majesty King George the Second, intituled, *An act for establishing and well-governing an hospital or infirmary in the city of Bath*, to take or acquire and hold, any lands, tenements, or hereditaments, or any interest in lands, tenements, or hereditaments, and any money or personal property, to be laid out in lands, tenements, or hereditaments, pursuant to any will, or otherwise, to the amount limited in the said act.

Cap. 24. For charging the lands within the north level, part of the great level of the fens called *Bedford Level*, and divers lands adjoining thereto, in the manor of *Crowland*, with further taxes, for a limited time, for discharging the debts incurred by the commissioners under an act of the twenty-seventh year of King George the Second; and for better supporting and preserving the drainage of the said lands.

Cap. 25. For granting to his Majesty additional duties upon the produce of the several duties under the management of the respective commissioners of the customs and excise in *Great Britain*.

Cap. 26. To continue and amend an act, made in the eleventh year of his present Majesty's reign, intituled, *An act for the encouragement of the white herring fishery*.

Cap. 27. For further continuing and extending the provisions of two acts, made in the twenty-ninth year of the reign of his late Majesty King George the Second, and in the tenth year of the reign of his present Majesty, for granting a bounty on certain species of *British and Irish linens exported*, and taking off the duties on the importation of foreign raw linen yarns made of flax; and for granting a bounty on the exportation of *British chequed and striped linens*, and upon *British and Irish diapers, buckabacks, sheeting, and other linen, of above a certain breadth*.

Cap. 28. To permit, during the present hostilities with *France*, for certain goods enumerated in the act of navigation to be imported

A TABLE of the STATUTES.

in *British* built ships sold to foreigners, and for releasing ships and goods which have been seized in pursuance of the said act.

Cap. 29. For allowing corn, grain, and flour, imported into the port of *Cowes*, in the *Isle of Wight*, to be landed without payment of the duties, under the like restrictions as corn, grain, and flour, are allowed to be landed at the several ports mentioned in an act, made in the thirteenth year of his present Majesty's reign, intituled, *An act to regulate the importation and exportation of corn*:

Cap. 30. For the better relief and employment of the poor of the several parishes within the hundred of *Cosford* (except the parish of *Hadleigh*,) and also of the parish of *Polsted*, within the hundred of *Babergh*, in the county of *Suffolk*.

Cap. 31. For building a new assize or town hall and market-house, within the city or borough of *Wells*, in the county of *Somerset*; and for regulating the markets within the said city or borough.

Cap. 32. For continuing and amending two acts, made in the twenty-sixth year of his late Majesty, and the fourth year of his present Majesty, for repairing the road from *Piper's Inn* to *Glastonbury*, and several other roads therein mentioned, in the county of *Somerset*; and for repairing the road from *Piper's Inn* aforesaid to *Athelney-bridge*; and also for paving, cleansing, and lighting the city or borough of *Wells*, in the said county, and for removing and preventing incroachments, nuisances, and annoyances therein.

Cap. 33. For draining, improving, and preserving, the low lands in the parishes of *Altcar*, *Seston*, *Falsall*, and *Walton* upon the *bill*, in the county palatine of *Lancaster*.

Cap. 34. To explain, amend, and render more effectual, an act passed in the seventh year of his present Majesty's reign, intituled, *An act for draining and preserving certain fen lands and low grounds, lying in the south level, part of the great level of the fens commonly called Bedford Level, and in the county of Cambridge, between the river Cam, otherwise Grant, West, and the hard lands of Bottisham, Swaffham Bulbeck, and Swaffham Priot, East; and for empowering the governor, bailiffs, and commonalty, of the company of conservators of the great level of the fens, commonly called Bedford Level, to sell certain fen lands lying within the limits aforesaid, commonly called Invested Lands*.

Cap. 35. To repeal so much of several acts of parliament, as prohibit the growth and produce of tobacco in *Ireland*; and to permit the importation of tobacco of the growth and produce of that kingdom into *Great Britain*, under the like duties and regulations as tobacco of the growth of the *British* colonies in *America* is permitted to be imported.

Cap. 36. For erecting a market-house, and regulating the markets, within the borough of *Bridgewater*, in the county of *Somerset*; and for paving, cleansing, lighting, and watching the streets, lanes, and other public passages and places within the said borough.

Cap. 37.

A TABLE of the STATUTES.

- Cap. 37. For granting a bounty upon the importation into this kingdom of hemp, of the growth of the kingdom of *Ireland*, for a limited time.
- Cap. 38. For altering the times of holding the *Martmas* and *Candlemas* terms in the court of exchequer in *Scotland*.
- Cap. 39. For paving, repairing, cleansing, and lighting, the town and borough of *Burton upon Trent*, in the county of *Stafford*; and for removing and preventing obstructions and annoyances therein.
- Cap. 40. For better securing the duties on starch.
- Cap. 41. For granting a drawback of the duties, imposed by an act of the last session of parliament, upon all foreign wines exported from *Great Britain* to any *British* colony or plantation in *America*, or to any *British* settlement in the *East Indies*.
- Cap. 42. To enable the trustees for putting in execution an act of the ninth year of the reign of his present Majesty, for building a bridge at *Worcester*, over the river *Severn*, and for opening convenient avenues to the said bridge, to finish and complete the said bridge, and to carry the purposes of the said act into execution.
- Cap. 43. For the more easy and speedy recovery of small debts within the look of *Horncastle*, and wapentakes of *Wraggae* and *Garrae* (except the parish of *Great Sturton*;) and within the wapentakes of *Louth Eske*, *Ludborough*, and *Calceworth*, and parishes of *Wrangle*, *Leake Leverton*, *Benington*, *Butterwick*, *Freslon*, and *Fishtoft*, in the hundred of *Skirbeck*, in the county of *Lincoln*.
- Cap. 44. For the further relief of protestant dissenting ministers and schoolmasters.
- Cap. 45. To enable the chancellor and council of the duchy of *Lancaster* to sell and dispose of certain fee-farm rents, and other rents, and to enfranchise copyhold and customary tenements, within their survey, and to encourage the growth of timber on lands held of the said duchy.
- Cap. 46. For building a new gaol and house of correction for the county of *Pembroke*.
- Cap. 47. To indemnify such persons as have omitted to qualify themselves for offices and employments; and to indemnify justices of the peace, or others, who have omitted to register or deliver in their qualifications within the time limited by law, and for giving further time for those purposes; and to indemnify members, and officers, in cities, corporations, and borough towns, whose admissions have been omitted to be stamped according to law, or, having been stamped, have been lost or mislaid; and for allowing them time to provide admissions duly stamped; and to give further time to such persons as have omitted to make and file affidavits of the execution of indentures of clerks, attorneys and solicitors.
- Cap. 48. To explain so much of an act, made in the twelfth year of the reign of King *Charles the Second*, intitled, *An act for the encouraging, and increasing of shipping and navigation*, as relates to the importation into this kingdom, and other his Majesty

A TABLE of the STATUTES,

Majesty's dominions, of goods and commodities of the growth or production of *Africa, Asia, or America*, which are manufactured in foreign parts, for preventing masters of ships removing their vessels out of the stream, except to the lawful quays, in the port of *London*, before the goods are discharged, or their vessels are cleared by the proper officers inwards or outwards; and for allowing the officers of the customs and excise to make use of lights on board ships in the haven, dock, or basin, at the port of *Kingslon upon Hull*.

Cap. 49. To prevent abuses in the payment of wages to persons employed in the bone and thread lace manufactory.

Cap. 50. For more effectually preventing frauds by private distillers, and for the better securing the duties on low wines and spirits.

Cap. 51. For granting to his Majesty certain duties on licences to be taken out by all persons letting horses to hire for travelling in the manner therein mentioned, and certain duties on all horses let to hire for the purposes of travelling post, and by time, and upon certain carriages therein mentioned.

Cap. 52. For taking off the duty upon all salt used in the curing of pilchards, and laying a proportionable duty upon all pilchards consumed at home only.

Cap. 53. For discontinuing the duties on cotton-wool, the growth and product of the *British* colonies or plantations in *America*, exported from this kingdom.

Cap. 54. For further continuing, for a limited time, an act, made in the sixteenth year of the reign of his present Majesty, intituled, *An act to authorise, for a limited time, the punishment, by hard labour, of offenders, who, for certain crimes, are or shall become liable to be transported to any of his Majesty's colonies and plantations*.

Cap. 55. For enlarging the times appointed for the meetings of commissioners or trustees for putting in execution certain acts of this session of parliament.

Cap. 56. For altering, amending, and enforcing, so much of an act, made in the seventeenth year of the reign of his present Majesty, intituled, *An act for granting to his Majesty certain duties on licences to be taken out by all persons acting as auctioneers; and certain rates and duties on all lands, houses, goods, and other things, sold by auction, and upon indentures, leases, bonds, deeds, and other instruments*, as relates to the method of granting licences to auctioneers, and to the collecting the duties on estates and goods sold by auction.

Cap. 57. For the better providing of a maintenance for the vicar of the parish of *The Trinity*, in the city of *Coventry*.

Cap. 58. For preserving the navigation of the river *Lee*, in the counties of *Hertford, Essex, and Middlesex*.

Cap. 59. For repealing the duties on all inhabited houses, imposed by an act made in the last session of parliament, and for granting to his Majesty other duties upon all inhabited houses in *Great Britain*, and for amending the said act; and also

A TABLE of the STATUTES.

also for amending so much of an act, made in the seventeenth year of the reign of his present Majesty, as imposes a duty upon all servants retained or employed in the several capacities therein mentioned.

Cap. 60. For establishing certain payments to be made to the vicar of the parish of *Saint Michael* in the city of *Coventry* for the time being in lieu of tithes; and for repealing so much of an act of the fourth and fifth of *Philip* and *Mary* as relates to the payment of tithes in the said parish.

Cap. 61. For continuing in the possession of the united company of merchants of *England* trading to the *East-Indies*, for a limited time, and under certain conditions, the territorial acquisitions and revenues lately obtained in the *East Indies*; and for continuing, for a limited time, so much of an act, made in the thirteenth year of the reign of his present Majesty, intituled, *An act for establishing certain regulations for the better management of the affairs of the East India company, as well in India as in Europe*, as will expire in the course of the present year.

Cap. 62. To permit the removal of lime, and other articles necessary for the improvement of land, without cocquet or bond.

Cap. 63. For raising a certain sum of money, by loans or exchequer bills, for the service of the year one thousand seven hundred and seventy nine.

Cap. 64. For raising a further sum of money, by loans or exchequer bills, for the service of the year one thousand seven hundred and seventy-nine.

Cap. 65. For the further augmentation of the salaries of the puisne justices of the courts of King's bench and common pleas, and of the barons of the court of the court of exchequer, at *Westminster*.

Cap. 66. For granting to his Majesty several additional duties on stamped vellum, parchment, and paper; and for better securing the stamp-duties upon indentures, leases, deeds, and other instruments.

Cap. 67. For the encouragement of seamen, and the more speedy and effectual manning his Majesty's navy.

Cap. 68. For explaining, amending, and rendering more effectual, an act passed in the twenty-third year of the reign of his late majesty King *George* the Second, for the more easy and speedy recovery of small debts within the *Tower Hamlets*.

Cap. 69. For the more effectually preventing the pernicious practices of smuggling in this kingdom; and for indemnifying persons who have been guilty of offences against the laws of the customs and excise, upon the terms therein mentioned.

Cap. 70. For extending the provisions of an act, made in the twelfth year of the reign of King *George* the First, intituled, *An act to prevent frivolous and vexatious arrests*; and for other purposes.

Cap. 71. For granting to his Majesty a certain sum of money out of the sinking fund; and for applying certain monies therein mentioned

A TABLE of the STATUTES

enacted for the service of the year one thousand seven hundred and seventy-nine; and for further appropriating the sum therein granted in this session of parliament.

Cap. 72. To explain, amend, and render more effectual the several laws now in being relative to the militia forces of this kingdom; and for making certain provisions relative to the said militia men in that part of Great Britain called Scotland.

Cap. 73. For enabling his Majesty to raise the sum of one million, for the uses and purposes therein mentioned.

Cap. 74. To explain and amend the laws relating to the transportation, imprisonment, and other punishment, of certain offenders.

Cap. 75. For removing certain difficulties with respect to the more speedy and effectual manning of his Majesty's navy, for a limited time.

Cap. 76. For augmenting the militia.

Cap. 77. To enable the commissioners of his Majesty's treasury to compound a debt due to the crown from *James Gildart* and his sureties, and for vesting the estates of the said *James Gildart* in *Francis Gildart* and *Thomas Gildart*; and for other purposes therein mentioned.

Cap. 78. For enlarging the term of an act, passed in the twelfth year of his present Majesty's reign, for building a temporary bridge over the river *Tyne*, between the town of *Newcastle upon Tyne* and *Gateshead*, in the county of *Durham*; for completing the new stone bridge over the said river; and for making the avenues to, and the passage over the same more commodious.

Cap. 79. For enlarging the term and powers of an act, made in the twenty-sixth year of the reign of his majesty King *George the Second*, intituled, *An act for repairing the road from the turnpike road at Buckton Burn, in the county of Durham, through Berwick upon Tweed, to Lammerton-hill, and also the several other roads therein mentioned, lying in the said county, and within the liberties of the said town of Berwick.*

Cap. 80. For enlarging the term and powers of an act, made in the twenty-eighth year of the reign of his majesty King *George the Second*, intituled, *An act for repairing and widening the road from Thirsk over Skipton Bridge, through Baldersby, to Baldersby-gate, adjoining to Hutton-moore; in the way to Ripon; and through Ainderby, Quernow, and Nosterfield, by Well Flashes Gate, to Masham, in the county of York; and likewise for removing the toll-house and turnpike-gates at Busby Stobb, in the said county, to some other convenient place in the road leading from Borough-bridge to the city of Durham.*

Cap. 81. For continuing the term, and altering the powers of an act, made in the thirty-second year of the reign of his late Majesty, for repairing, widening, and rendering safe and commodious several roads leading from the town of *South Molton*, in the county of *Devon*.

Cap. 82. For continuing the term and altering and so-

AN ACT FOR THE BETTER REGULATION OF THE HIGHWAYS.

enlarging the powers of an act, passed in the twenty-eighth year of the reign of his late majesty King George the Second, for repairing and widening the road from the town of Market Harborough, in the county of Leicester, through the town of Lutterworth, in the said county, to the city of Coventry.

Cap. 83. For enlarging the terms and powers of three acts, passed in the seventh year of the reign of King George the First, and in the fifteenth and twenty-fourth years of the reign of King George the Second, for repairing the road from Wendover to the town of Buckingham, and other roads in the county of Buckingham, so far as the same relate to the road from the west end of the town of Beaconsfield to within half a mile of the river Colney near Uxbridge, in the county of Middlesex.

Cap. 84. For widening and repairing a lane called Pitt's or Sheppard's Lane, leading from the market-house in the town of Maidenhead, in the county of Berks, towards Cookham, in the said county; and for turning the course of the present road, leading from Ray-mills and Cookham to the turnpike road near Maidenhead aforesaid.

Cap. 85. For continuing the term, and altering and enlarging the powers, of an act, made in the twenty-sixth year of the reign of his late Majesty, for repairing the road from Ashby-de-la-Zouch, in the county of Leicester, through Burton upon Trent, in the county of Stafford, and to The Cock Inn in Tutbury, in the said county.

Cap. 86. For enlarging the term of an act, made in the twenty-eighth year of King George the second, intituled, *An act for repairing the road from a certain place in Bury, in the county of Huntingdon, through Warboys, Old Hurst, Saint Ives, Hilton, Eltisley, Wareley, Gamlingay, and Pilton, to a house called The Spread Eagle in Stratton, within the several counties of Huntingdon, Cambridge, and Bedford.*

Cap. 87. For enlarging the term and powers of an act, made in the thirty-second year of the reign of his majesty King George the Second, intituled, *An act for repairing and widening the road from Chesterfield, to the turnpike road at Hernstone-lane Head; and also the road branching from the said road, upon the East-moor, through Barslow and Wardlow, to the joining of the said roads again near Wardlow-moor, and also the road leading between the said road and branch, from Calver-bridge to Ballow-bridge; and also the road from the turnpike road, near Newhaven-house, to the turnpike road near Grindleford-bridge, in the county of Derby.*

Cap. 88. For continuing the term, and altering and enlarging the powers, of an act, made in the thirty-second year of his late Majesty, for repairing and widening the road from Doncaster to Ealand, in the West riding of the county of York.

Cap. 89. For continuing the term, and altering and enlarging the powers, of an act, made in the twenty-fifth year of the reign of his late Majesty, for repairing and amending several roads leading from Upton, in the county of Worcester, and other roads therein mentioned; and for amending the road leading from the
White

A TABLE of the STATUTES.

Cross, in the parish of Hunsley Castle, in the said county, to the river Storn.

Cap. 90. For enlarge the term and powers of an act, passed in the twenty-sixth year of the reign of his late Majesty, *for repairing the road from the borough of Leicester, in the county of Leicester, to the town of Ashby-de-la-Zouch, in the said county.*

Cap. 91. For more effectually repairing the road leading from *Stratford upon Avon to Edgbill, in the county of Warwick; and for repealing the several laws now in force relating to the said road.*

Cap. 92. For more effectually repairing, widening, and amending, the roads from *Wigan to Preston, in the county palatine of Lancaster; and for repealing several acts, made in the thirteenth year of King George the First, and the fourth and twenty-third years of his late Majesty, relating to the said roads.*

Cap. 93. For amending and keeping in repair the road from a certain bridge over a brook or stream called *Sudbrook, near the city of Gloucester, to the nine mile stone on the Bristol road, at or near a place called The Clay Pits, in the county of Gloucester.*

Cap. 94. For continuing the term, and varying the powers, of two acts, made in the twenty-sixth and twenty-ninth years of the reign of his late Majesty, *for repairing and widening the road from the top of White Sheet Hill, in the parish of Donhead Saint Andrew, in the county of Wilts, and several other roads therein mentioned, in the counties of Dorset, Somerset and Wilts.*

Cap. 95. For repealing an act, made in the twenty-fifth year of the reign of his late majesty King George the Second, *for repairing and widening the road from Alemouth, through the town of Alnwick, to Rothbury, and from thence to the town of Hexham; and also the road leading out of the aforesaid road, between Alnwick and Rothbury, to Jockey's Dike Bridge, in the county of Northumberland; and for making more effectual provision for the repair of the said roads*

Cap. 96. For enlarging the term and powers of an act made in the thirty-first year of the reign of his late majesty King George the Second, intituled, *An act for repairing and widening the roads from Little Sheffield, in the county of York, through the towns of Hathersage, Hope, and Castleton, to Sparrowpit-gate, in the county of Derby, and from The guide post, near Barber's Fields Cupola, through Grindlesford-bridge, Great Hucklow, Tidswell, Hardgate-wall, and Fairfield, to Buxton, in the county of Derby.*

Cap. 97. For continuing the term, and altering the powers of an act, made in the twenty-sixth year of the reign of his late Majesty, *for repairing the road from the city of Carlisle to the town of Penrith, in the county of Cumberland, and from the said town of Penrith to Eamont Bridge which divides the counties of Cumberland and Westmoreland.*

Cap. 98.

A TABLE of the STATUTES.

Cap. 98. For continuing the term, and enlarging the powers of an act, made in the twenty-sixth year of the reign of his late majesty King George the Second, for repairing and widening the road leading from Elmwell Vent, in the parish of Ticehurst, in the county of Sussex, to the town and port of Hastings, in the said county.

Cap. 99. For repairing and widening the road from Gander-lane, in the county of Derby, to Sheffield, in the west riding of the county of York; and also the road branching out of the said road at or near Mosbrough-green, in the said county of Derby, to Cloun, in the same county.

Cap. 100. For enlarging the term and altering and varying the powers of so much of an act, made in the thirty-second year of the reign of his late majesty King George the Second, for repairing several roads leading to the town of Bridgewater, in the county of Somerset, and other roads therein mentioned, as relates to the roads leading to the said town.

Cap. 101. For enlarging the term and powers of two acts made in the thirty-second year of the reign of his late majesty King George the Second, and in the second year of the reign of his present Majesty, for repairing and widening the roads from Ox-downgate in Popham-lane to the city of Winchester, and from the said city through Hursley to Chandler's Ford, and from Hursley aforesaid to the turnpike road at Romsey, and from the said turnpike road through Ringwood, in the county of Southampton, to Longham-bridge, and Winborne Minster in the county of Dorset, and for amending and widening the road from Ringwood-gate in the said county of Southampton to Woolfbridge, and from a street called The Hundred at Romsey, through Chilworth, to the river at Swatling in the said county.

Cap. 102. For amending, widening, and keeping in repair the roads leading from Ludlowfach, in the county of Carmarthen, to the town of Landover, and from thence through the town of Llangadock to the river Amman, and several other roads in the said county communicating therewith.

Cap. 103. For continuing the term, and enlarging the powers, of an act, made in the fifth year of his present Majesty, for repairing, widening, and keeping in repair, several roads leading from Kidwelly, in the county of Carmarthen, and also several roads leading from Llandilo, in the said county, so far as relates to the roads included in the Kidwelly district; and also for repairing, widening, and keeping in repair, several other roads within the said county.

Cap. 104. For continuing the term and altering and enlarging the powers of an act, made in the thirty-first year of the reign of his late Majesty, for repairing and widening the road from the Swan Inn at Leatherhead, to the Maypole at the upper end of Spital or Somerset Street, in the parish of Stoke, near the town of Guildford, in the county of Surrey.

Cap. 105. For continuing the term and altering the powers of an act, made in the twenty-sixth year of the reign of his late majesty

A TABLE of the STATUTES

majesty King George the Second, for repairing the road from the town of Carlisle, in the county of Cumberland, to the market and seaport town of Workington in the said county, so far as the same relates to the road between the town of Cockermouth and Workington aforesaid.

Cap. 106. For continuing the term, and altering and enlarging the powers, of an act, made in the twenty sixth year of the reign of his late Majesty, for repairing and widening the roads from the east end of Brough under Stainmore, in the county of Westmoreland, by the end of Appleby Bridge, to Eamont Bridge, in the said county.

Cap. 107. For enlarging the term and powers of so much of an act, made in the thirtieth year of the reign of his majesty King George the Second, intituled, *An act for amending, widening, and keeping in repair, the roads from the town of Wrexham, in the county of Denbigh, to Pentre Bridge, in the county of Flint; and from the town of Mold to Northop, Holywell, and Rhuddlan, in the same county; and from thence to the Ferryhouse, opposite to the town of Conway, in the county of Carnarvon; and from Ruthin to the said town of Mold; as relates to the district of road from the town of Wrexham, in the county of Denbigh, to Pentre Bridge, in the county of Flint.*

Cap. 108. For enlarging the term and powers of an act, made in the twenty-sixth year of the reign of his majesty King George the Second, intituled, *An act for widening and repairing the high road leading from Heron Syke, which divides the counties of Lancaster and Westmoreland, to the town of Kirkby in Kendal, and from the said town of Kirkby in Kendal, through the town of Shapp, to Eamont Bridge, in the said county of Westmoreland.*

Cap. 109. For enlarging the term and powers of so much of an act, made in the thirtieth year of the reign of his majesty King George the Second, intituled, *An act for amending, widening, and keeping in repair, the roads from the town of Wrexham, in the county of Denbigh, to Pentre Bridge, in the county of Flint; and from the town of Mold to Northop, Holywell, and Rhuddlan, in the same county; and from thence to the Ferryhouse, opposite the town of Conway, in the county of Carnarvon; and from Ruthin to the said town of Mold; as relates to the district of road from the town of Ruthin, in the county of Denbigh, to the town of Mell, in the county of Flint.*

Cap. 110. For enlarging the term and powers of an act made in the eleventh year of the reign of his present Majesty, intituled, *An act for repairing and widening several roads leading to the town of Lantrisant, and also the road leading from Newbridge to a place called the Old Furnace, all in the county of Glamorgan*

Cap. 111. For enlarging the term and powers of an act, passed in the thirtieth year of the reign of King George the Second, for amending, widening, and keeping in repair, the road from the turnpike road at the bottom of Shaw Hill, in the parish of Melksham,

A TABLE of the STATUTES,

nam, through Georges Lane, Corsham, Biddestoke, and West Tatton, to the turnpike road at Upper Combe, in the parish of Castle-combe, in the county of Wilts.

Cap. 112. For continuing the term of an act of the thirtieth year of his late Majesty, for amending, widening, making commodious, and keeping in repair, the road from The Cross Keys, otherwise Brickers Barn, in the Parish of Corsham, in the county of Wilts, to Bath Easton Bridge, in the county of Somerset.

Cap. 113. To enlarge the term and powers of an act, passed in the twenty-sixth year of the reign of his late majesty King George the Second, for repairing and widening the roads from Sparin Smithy, in the township of Elton, through the town of Middlewich, and by Spittle Hill in Stanthorn, to Winsford Bridge, and from Spittle Hill to the town of Northwich, in the county palatine of Chester.

Cap. 114. For reviving and continuing the term and varying the powers of an act, made in the twenty-ninth year of his late Majesty, for amending, widening, and keeping in repair, several roads leading from the market-house, and elsewhere, in the town of Ludlow, in the county of Salop; and for amending, and keeping in repair, the road leading from the turnpike or side-gate, in the parish of Ashford Bowdler, to the turnpike road on the Clee Hill, in the said county.

Cap. 115. To enlarge the term and powers of an act, passed in the twenty-fifth year of the reign of his late Majesty, for repairing the road from the town of Cirencester to the town of Stroud, and that part of Rodborough Hill which leads to Dudbridge; and also the road leading from Cirencester towards Bisley, so far as the bottom of Gulph Hill; all in the county of Gloucester.

Cap. 116. To enlarge the term and powers of an act, passed in the thirty-first year of the reign of his late majesty King George the Second, for repairing and widening the road from Cirencester, in the county of Gloucester, to Cricklade, in the county of Wilts.

Cap. 117. For making and repairing several roads round the city of Bristol.

Cap. 118. For amending the road from the nine mile stone on the Bristol road, at or near a place called *The Clay Pits*, to or near the chapel at *Stone*; and also the roads to and near *Berkley*, *Dursley*, *Wotton under Edge*, *Stroud*, and *Sodbury*; and several other roads in the counties of Gloucester and Wilts.

Cap. 119. For reducing into one act of parliament the several laws now in force for repairing the road leading from the town or village of *Tittensor* to the most northern part of *Tulk on the Hill*, in *Butt Lane*, in the county of Stafford; and for repairing the road from *Darlastone Bridge*, over *Tittensor Heath*, through the town or village of *Tittensor* aforesaid.

Cap. 120. For continuing the term, and altering and enlarging the powers, of several acts of parliament, made in the tenth year of the reign of queen Anne, the eighth year of King George the First, and the twenty-second year of his late Majesty, for repairing

A TABLE of the STATUTES.

repairing the road leading from Kilbourn-bridge, in the county of Middlesex, to Sparrow's Hearn, in the county of Hertford.

P R I V A T E A C T S .

1. **A**N act for extinguishing the right of common upon certain inclosed lands, within the parish of *Winforton*, in the county of *Hereford*.

2. An act for naturalizing *John Daniel Hose*.

3. An act for dividing and inclosing the common, or waste land, within the parish of *Wood Bastwick*, in the county of *Norfolk*.

4. An act to enlarge, explain, and amend, the powers given in and by an act, passed in the last session of parliament, intitled, *An act for dividing and inclosing the open and common fields, common pastures, common meadows, and other commonable lands and grounds, of and within the manor, parish, and liberties, of Floor, otherwise Flower, in the county of Northampton*; and for making the same more effectual for the purposes therein mentioned.

5. An act for dividing and inclosing the open and common fields, common pastures, common meadows, and other commonable lands and grounds, of and within the parish and liberties of *Bugbrook*, in the county of *Northampton*.

6. An act for naturalizing *Theodorus Martinus Misselblom Beyer*.

7. An act for dividing, allotting, and inclosing, the open fields, meadows, and commonable places, in the parish of *Barkby*, in the county of *Leicester*.

8. An act for confirming and establishing the division and allotment of the common or open fields, and common downs, within the manor of *Milston* and *Brigmerston*, in the county of *Wilt*.

9. An act for dividing and inclosing certain open fields, lands, and grounds, in the parish of *Brattleby*, in the county of *Lincoln*.

10. An act for dividing and inclosing the open fields, meadows, pastures, and commonable grounds, of *Croft*, in the county of *Leicester*.

11. An act for dividing and inclosing a common stinted pasture, and a certain moor or common, within the manor of *West Wotton*, in the north riding of the county of *York*.

12. An act for dividing, allotting, and inclosing, the open common fields, common pastures, downs, and all other commonable lands, within the hamlet, vill, or tithing, of *Ablington*, in the parish of *Bibury*, in the county of *Gloucester*.

13. An act for dividing and inclosing certain open common fields, meadows, pastures, and other commonable lands, in the parish of *Binton*, and in the hamlet of *Drayton*, in the parish of *Old Stratford*, in the county of *Warwick*.

14. An

A TABLE OF THE STATUTES.

15. An act for dividing and inclosing the open and common fields, meadows, heath, or waste land, and other commonable lands and grounds, of and within the parish of *Colehill*, in the county of *Warwick*.

16. An act for dividing and inclosing the common and open fields within the parish of *Cobham*, in the county of *Surry*.

17. An act for dividing and inclosing the commons and waste grounds within the township of *Lepton*, in the parish of *Kirkheaton*, in the west riding of the county of *York*.

18. An act for dividing, allotting, and inclosing, the open fields, meadows, pastures, and commonable places, in the lordships or liberties of *Knight Thorpe*, and *Thorpe Acre*, in the county of *Leicester*.

19. An act for dividing, inclosing, and improving, certain commons, lands, and grounds, in the township of *Askwith*, in the parish of *Weston*, in the county of *York*, and for other purposes therein mentioned.

20. An act for dividing and inclosing certain commons and waste lands, within the manor and parish of *Broom*, in the county of *Stafford*.

21. An act to dissolve the marriage had between the right honourable *Hugh* baron *Percy*, *Lucy*, *Poynings*, *Fitzpayne*, *Bryan*, and *Latimer*, and the right honourable *Ann* baroness *Percy* his wife; and to enable him to marry again; and for other purposes therein mentioned.

22. An act to enable *Natbanial Lee Aclon* esquire, and the heirs male of his body, to take and use the surname of *Lee* before and jointly with the surname of *Aclon*, pursuant to the will of *Baptist Lee* esquire, deceased.

23. An act to enable *William House* the younger, and others therein described, to take and use the surname and arms of *Newell*, pursuant to the will of *William Newell* esquire, deceased.

24. An act for confirming and establishing an exchange agreed upon between the dean and chapter of the cathedral church of *The Blessed Virgin Mary* of *Lincoln*, and the right honourable *John* lord *Monson*, of certain lands and hereditaments in the county of *Lincoln*.

25. An act for vesting certain lands, tenements, and hereditaments, in the counties of *Hertford* and *Bucks*, (the settled estates of *Jane Willson*, the wife of *George Willson* esquire) in trustees, to be sold or exchanged, and for laying out the money to arise thereby in the purchase of other lands, tenements, or hereditaments, to be settled to the same uses.

26. An act for dividing, inclosing, and allotting, certain commons or parcels of waste lands, called *Dunsley* and *Haffcott* commons, within the manor and parish of *Kenver*, otherwise *Kinfart*, in the county of *Stafford*.

27. An act for dividing and inclosing the open fields, meadows, furze, leys, stinted common pastures, and waste grounds, in the parish of *Willingham*, in the county of *Lincoln*.

28. An

A TABLE of the STATUTES.

27. An act for extinguishing the cattle gates or leas upon certain stinted pastures, within the parish of *West Saxon*, in the county of *Dorset*; and for allotting lands in exchange for part of the glebe lands, and for the said cattle gates or leas belonging to the impropiator of the said parish.

28. An act for allotting, dividing, and inclosing, the open and common fields, and common or commonable meadows, pastures, lands and grounds, and common or waste land, within the parish of *Aven Dassett*, in the county of *Warwick*.

29. An act for dividing and inclosing the open and common fields, common pastures, common meadows, and other commonable lands and grounds, of and within the parish and liberties of *Badby*, in the county of *Northampton*.

30. An act for dividing, allotting, and inclosing, the open and common fields, common meadows, common pastures, and all other commonable lands and waste grounds, in the parish of *Mosleyhampton*, in the county of *Gloucester*.

31. An act for dividing and inclosing the open and common fields, meadows, pastures, and all other commonable lands within the manor and parish of *Himbleton*, in the county of *Worcester*.

32. An act for dividing and inclosing the open and common fields, and all other commonable land, in the parish of *Grafton Flyford*, in the county of *Worcester*.

33. An act for dividing and inclosing the several open and common fields, and all other commonable lands, within and belonging to the township of *Croftborn*, in the parish of *Croftborn*, and county of *Worcester*.

34. An act for dividing and inclosing the common and open fields, meadows, commonable lands, and waste grounds, in the parish of *Elton*, in the county of *Huntingdon*.

35. An act for dividing and inclosing the open and common fields, or commonable meadows, pastures, lands, and grounds, and waste land, within the parish of *Herbertbury*, otherwise *Harbury*, in the county of *Warwick*.

36. An act for dividing and inclosing the open and common fields, and other commonable lands and grounds, of and within the hamlet and liberties of *Woodend*, in the parish of *Blakesley*, in the county of *Northampton*.

37. An act for dividing and inclosing the open fields, open meadows, common pastures, and common or waste grounds, within the township of *Stanton under Bardon*, in the parish of *Thornton*, and county of *Leicester*.

38. An act for dividing, inclosing, and improving certain open fields, ings, meadows, and commons, or waste lands, within the parish of *Huttest* in the county of *Lincoln*.

39. An act for dividing, inclosing, and allotting, certain commons or waste lands, within the parish of *Cainham*, in the county of *Salop*.

40. An act for dividing and inclosing a certain common or piece of waste ground within the township of *Fenwick*, in the parish of *Campfale*, in the west riding of the county of *York*.

41. An

A TABLE of the STATUTES.

41. An act for dividing and inclosing the open common fields, common meadows, common pastures, commonable lands and waste grounds, within the manor and parish of *Buckland*, in the county of *Gloucester*.

42. An act for dividing and inclosing a certain open common arable field, and also certain commons and waste lands, within the manor and parish of *West Knighton*, in the county of *Dorset*.

43. An act to enable *John Raincock*, and others therein described, to take and use the surname and arms of *Fleming*, pursuant to the will of *Fletcher Fleming*, deceased.

44. An act for naturalizing *Henry Amfinck*.

45. An act for establishing an exchange between *George* earl of *Sbrensbury*, and *Thomas Gilbert* esquire, of divers lands and hereditaments in the county of *Stafford*; and for the other purposes therein mentioned.

46. An act for confirming a partition of several estates, in the counties of *Wilt*s and *Somer*set, between the honourable *Charles William Windbam* and other the devisees of *Charles* late earl of *Egremont* deceased, and their issue, and *Charles* marquis of *Granby*, and *Charlotte* countess of *Aylesford*, and for vesting and settling the same to the several uses therein mentioned; and for several other purposes therein mentioned.

47. An act to enable the guardians of sir *Charles Style* baronet, an infant, to grant leases of his freehold estates in *Middlesex* during his minority, and to effectuate the other purposes therein mentioned.

48. An act for sale of the next presentations to certain livings, late the estates of Sir *Griffith Boynton* baronet, deceased, for payment of his debts, and for substituting other parts of his estates to be charged with his younger children's fortunes, in lieu of those by his will charged therewith, and for other purposes.

49. An act for sale of part of the settled estates of *Henry Scourfield* esquire, situate in the county of *Brecon*, and for purchasing other estates in the county of *Pembroke*, to be settled, in lieu thereof, to the same uses.

50. An act for vesting in trustees, and their heirs, the settled estate of *John Tempest* esquire, situate in the county of *Kent*, in trust, to sell the same, and for laying out the money arising by such sale in the purchase of other lands and hereditaments, to be settled, in lieu thereof, to the same uses.

51. An act to empower certain persons to enfranchise divers copyhold and customary lands and tenements within the several manors or lordships of *Titchfield*, *Lee Marks* and *Mirabell*, *Gros-ton*, and *Newland*, in the county of *Southampton*; and for other purposes therein mentioned.

52. An act to enable *John Bowater* esquire, during his life, and after his death the guardian or guardians of his issue male by the honourable *Frances Bowater* his wife during their respective infancies, to grant building leases of his settled estates at *Woolwich* and *Charlton*, in the county of *Kent*.

A TABLE of the STATUTES.

53. An act to enable the executors and trustees of the will of *Charles Churchill* esquire, deceased, and in the marriage settlement of *Charles Churchill* esquire, and lady *Marie* his wife, to raise money by sale or mortgage or some of the trust securities for advancing to the children, in their father's life-time, part of their portions provided for them by the settlement, but thereby not made payable till after his decease.

54. An act for vesting certain estates in the counties of *Cardigan*, *Brecon*, and *Radnor*, (devised by the will of *Roderick Gwynne* esquire, deceased) in trustees, to be sold; and for laying out the money arising therefrom in the purchase of other lands and hereditaments, to be settled to the same uses.

55. An act for varying certain provisions contained in an act, made in the thirteenth year of the reign of his present majesty, for dividing and inclosing certain moors, commons, or tracts of waste land, within the parish and manor of *Lancestersley* in the county palatine of *Durham*.

56. An act for dividing and inclosing a certain tract of common or waste ground, called *Lower Darwen Moor*, in the parish of *Blackburn*, in the county palatine of *Lancaster*.

57. An act for dividing, allotting, and inclosing, the several open and common fields, moors, commons, and waste grounds, in the parish of *Irthington*, in the county of *Cumberland*.

58. An act for dividing and inclosing the open fields, meadows, common pastures, and other commonable lands, within the parish of *Claxton*, otherwise *Long Clawson*, in the county of *Leicesters*.

59. An act for dividing and inclosing the open and common fields, and commonable lands, within the parish or liberties of *Bucknell*, in the county of *Oxford*.

60. An act for dividing and inclosing the open and common fields, meadows, common pastures, moors, and waste lands and grounds, within the manor and township of *Amcotts*, in the parish of *Althorpe*, in the county of *Lincoln*.

61. An act for dividing and inclosing the commons and waste grounds in the manor of *Asbover*, in the county of *Derby*.

62. An act for dividing, allotting, and inclosing, the open and common fields, common meadows, and other commonable lands, in the manor and hamlet of *Dean*, in the parish of *Spelsbury*, in the county of *Oxford*.

63. An act for dividing, inclosing, and allotting, certain commonable and waste lands, called *Aston Common*, *Mart-pit Common*, and *Cock Shute*, within the parish of *Iron Aston*, in the county of *Gloucester*.

64. An act for dividing and inclosing the common and open fields of *Leire*, in the county of *Leicester*.

65. An act for dividing and inclosing that part of the common or waste ground called *Kingswood*, which lies in the parish of *Stapleton*, in the county of *Gloucester*.

66. An act for dividing and inclosing the open and common fields, common pastures, common Meadows, and commonable

A TABLE of the STATUTES.

able lands and grounds, within the parish of *Clifford Chambers*, in the county of *Gloucester*.

67. An act for dividing and inclosing the open common fields, common meadows, waste lands, and commonable places, within the parishes and liberties of *Bierton* and *Hulcot*, in the county of *Bucks*.

68. An act for confirming and establishing a division and inclosure of the common, or open fields and waste grounds, within the parish of *Mildenhall*, in the county of *Wilt*; and certain exchanges of lands and estates within the said parish.

69. An act for dividing and inclosing certain open fields, lands, and grounds, in the parish of *Market Raish*, in the county of *Lincoln*.

70. An act for dividing, allotting, and inclosing, the open and common fields, common meadows, and common pastures, lying and being within the manors, lordships, or liberties, of *Kibworth Beauchamp*, *Kibworth Harcourt*, and *Smeton Westerby*, in the parish of *Kibworth Beauchamp*, in the county of *Leicester*.

71. An act for dividing, allotting, and inclosing, the open and common fields, common meadows, common pastures, and waste lands, of and within the manor, lordship, or liberties of *Little Bowden*, in the county of *Northampton*.

72. An act for dividing, allotting, and inclosing, the open and common fields, common meadows, common pastures, commons, and other commonable lands, within the tithing of *Elcot*, in the parish of *Kentbury*, in the county of *Berks*.

73. An act for dividing, allotting, and inclosing, certain open and common fields, common meadows, common pastures, commons, and commonable lands and grounds, within the parish of *Speen*, in the county of *Berks*.

74. An act for dividing and inclosing a certain common or waste ground called *Oulton Heath*, in the parish of *Stone*, in the county of *Stafford*.

75. An act for dividing and allotting the open common fields, common meadows, common pastures, waste lands, and commonable places, in the manor and parish of *Wanborough*, in the county of *Wilt*.

76. An act for dividing, allotting, and inclosing, the open and common fields, common pastures, common meadows, and other commonable lands and grounds, of and within the parish of *Kislingbury*, in the county of *Northampton*.

77. An act for dividing and inclosing the open and common fields, common pastures, common meadows, and other commonable lands and grounds, of and within the manors and parishes of *Milton*, otherwise *Middleton*, *Malver*, and *Collingtree*, otherwise *Collingtrough*, in the county of *Northampton*.

78. An act for dividing and inclosing the open and common fields, common pastures, common meadows, and other commonable and waste lands, of *Idbury*, *Bowld*, and *Folcott*, within the manor and parish of *Idbury*, in the county of *Oxford*.

79. An

A TABLE of the STATUTES.

79. An act for dividing and inclosing the open fields, meadows, pastures, commons, forest and waste grounds, in the parish of *Calverton*, in the county of *Nottingham*:

80. An act for making the exemplification of the last will and testament of *Mary Edwards*, deceased, evidence in all the courts of law and equity in *Great Britain* and *Ireland*.

81. An act for naturalizing *Peter Daillé Bonnevaux*.

82. An act for naturalizing *John Sellon*.

83. An act for naturalizing *James Charnaud*.

84. An act for appointing new trustees, in the place of those deceased, for sale of so much of the estates late of sir *William Dalston* knight, as will be sufficient for the payment of his debts and legacies by his will charged thereon.

85. An act for enabling the trustees, named in the will of *Richard Perschowsse*, late of *Reynolds Hall*, in the county of *Stafford* esquire, deceased, to borrow and take up at interest, on mortgage of the freehold estates late of the said *Richard Perschowsse*, any sum or sums of money not exceeding the sum of three thousand three hundred pounds, to be applied in or towards the purchase of the copyhold estates late of the said *Richard Perschowsse*.

86. An act for vesting in trustees the timber and wood growing upon the estate late belonging to *Thomas Rous* esquire, deceased, in the county of *Worcester*, in trust, to sell the same, and apply the monies arising therefrom towards discharging certain incumbrances affecting the said estate, and for the other purposes therein mentioned.

87. An act for sale of the estates of the late *John Nicoll*, of *Bolton*, in the county of *York* esquire, for payment of his debts.

88. An act for dividing and inclosing the several open commons, moors, and waste grounds, within the manor and township of *Ecclesfall*, in the parish of *Sheffield*, in the west riding of the county of *York*.

89. An act for dividing and inclosing the open common field, and commonable lands and grounds, within the manor and parish of *Evenly*, otherwise *Bury Manor*, in the county of *Northampton*.

90. An act to dissolve the marriage of *Francis Osborne*, baron *Osborne*, of *Kiveton*, in the county of *York*, commonly called marquis of *Carmarthen*, with lady *Amelia D'Arcy*, baroness *Conjers*, his now wife; and to enable him to marry again; and for other purposes therein mentioned.

91. An act for confirming and carrying into execution, an award touching certain questions and disputes between the right honourable *Edward* lord *Beaulieu* and *Isabella* lady *Beaulieu* his wife, and the most noble *George* duke of *Montagu*, *Henry* duke of *Buccleugh*, and *Elizabeth* dutchess of *Buccleugh* his wife, and the right honourable *Charles William*, eldest son of the said duke and dutchess of *Buccleugh*, commonly called earl of *Dalkeith*.

92. An act to enable the trustees of certain estates situate in the parishes of *Saint Mary Redcliffe* and *Saint Thomas*, or one of them,

TABLE of the STATUTES.

then, in the city of *Bristol*, given by *Thomas Eden* the elder, late of *Broadmarston*, in the parish of *Pebworth*, in the county of *Gloucester*, gentleman, for charitable uses, to grant building leases thereof.

94. An act for dividing, allotting, and inclosing, the several whole year lands, common fields, half year lands, shack meadows and heaths, and other commons, waste and commonable lands, within the parish of *Darlington*, otherwise *Derfingham*, in the county of *Norfolk*.

94. An act for dividing and inclosing the commons or moors, and waste grounds, within the manor or lordship of *Morland*, in the parish of *Morland*, in the county of *Westmoreland*.

95. An act for dividing, allotting and inclosing, certain open and common fields, common pastures, and other commonable lands, meadows, and waste lands, within the parish of *Chisledon*, in the county of *Wilts*.

96. An act for dividing, allotting, and inclosing the whole year lands and breaks, common fields, half year lands and heaths, and commons, and commonable and waste lands, within the parish of *Grimston*, in the county of *Norfolk*.

97. An act for dividing and inclosing the commons or waste grounds within the township of *Cranage*, in the county palatine of *Chester*.

98. An act for dividing and inclosing the several commons and waste grounds within the manor of *Hassland*, in the county of *Derby*.

99. An act to confirm and establish the division and allotment of certain commons or forests and waste lands within the parish of *Elkley*, in the county of *Nottingham*.

100. An act for dividing and inclosing the open and common fields, common meadows, common pastures, commonable lands, and waste grounds, within the parish and manor of *Taplow*, in the county of *Buckingham*.

101. An act to dissolve the marriage of *Henry Scaly*, with *Ann Woodruffe* his now wife, and to enable him to marry again; and for other purposes therein mentioned.

102. An act to dissolve the marriage of *Thomas Bailey Heath Sewell* esquire, with the right honourable lady *Elizabeth Birmingham*, his now wife, and to enable him to marry again; and for other purposes therein mentioned.

103. An act to dissolve the marriage of *Charles Bromfield* with *Ann Broom* his now wife, and to enable him to marry again; and for other purposes therein mentioned.

104. An act to dissolve the marriage of *Charles Francois Dumergue* with *Ann Catherine* his now wife; and to enable him to marry again; and for other purposes.

105. An act for dividing and inclosing the open wastes and commons, lying in the manor of *Slegill*, in the county of *Westmoreland*.

VOL. XXXII.

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THE
STATUTES at Large, &c.

Anno regni GEORGII III. Regis, Magnæ Britanniae, Franciae, & Hiberniae, decimo octavo.

AT the parliament begun and holden at Westminster, the twenty-ninth day of November, Anno Domini 1774, in the fifteenth year of the reign of our sovereign lord GEORGE the Third, by the grace of God, of Great Britain, France, and Ireland, King, defender of the faith, &c. And from thence continued by several prorogations, to the twentieth day of November, 1777; being the fourth session of the fourteenth parliament of Great Britain.

C A P. I.

An act for continuing an act, made in the last session of parliament, intituled, An act to empower his Majesty to secure and detain persons charged with, or suspected of, the crime of high treason, committed in any of his Majesty's colonies or plantations in America, or on the high seas, or the crime of piracy.

WHEREAS an act was made in the last session of this present parliament, (intituled, An act to empower his Majesty to secure and detain persons charged with, or suspected of, the crime of high treason, committed in any of his Majesty's colonies or plantations in America, or on the high seas, or the crime of piracy;) which act was to continue and be in force until the first day of January, one thousand seven hundred and seventy eight, and no longer: and whereas it is expedient that the said act should be continued for a further term; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most
VOL. XXXII. B , excellent

and further
continued till
Jan. 1, 1779.

excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said act, and all and every the clauses, provisos, powers, and qualifications therein contained, shall be, and the same are hereby further continued until the first day of *January*, one thousand seven hundred and seventy-nine, and no longer.

C A P. II.

An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and seventy-eight. *At four shillings in the pound.*

C A P. III.

An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and seventy-eight.

C A P. IV.

An act for punishing mutiny and desertion; and for the better payment of the army and their quarters.

C A P. V.

An act for the regulation of his Majesty's marine forces while on shore.

C A P. VI.

An act for the better supply of mariners and seamen to serve in his Majesty's ships of war, and on board merchant ships and other trading ships and vessels.

Preamble.

From the passing of this act till March 25, 1779, merchant ships, etc. may be navigated by three-fourths foreign seamen.

FOR the better supply of mariners and seamen to serve in his Majesty's ships of war, and on board merchant ships, and other trading ships and vessels; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the passing of this act, until the twenty-fifth day of *March*, one thousand seven hundred and seventy-nine, and no longer, (except in respect to such merchant ships, and other trading ships or vessels, which shall be on their voyage before the said twenty-fifth day of *March*, one thousand seven hundred and seventy-nine, who shall be, and are hereby allowed the liberty and benefit of returning home navigated in the manner as herein-after is provided,) it shall and may be lawful for any merchant ship, or other trading ship or vessel, to be navigated by foreign seamen or mariners, not being natives of *Great Britain*, or of any of the colonies or plantations thereto belonging, or his Majesty's natural or naturalized subjects, so as the number of such foreign seamen or mariners do not exceed three-fourths of the mariners at any one time employed to navigate such merchant ship, or other trading ship or vessel, and that one-fourth at least of the mariners or seamen so employed, be at all times natives, or his Majesty's naturalized subjects of *Great Britain*, (sudden death

1778.] Anno decimo octavo GEORGI II. C. 7-11.

3

death and hazard and casualties of war, and the seas, saved and excepted,) one act of parliament, made in the twelfth year of the reign of his late majesty King *Charles* the second, (intituled, *An act for the encouraging and encreasing of shipping and navigation,*) or any other statute or law to the contrary notwithstanding.

II. Provided always, That nothing in this act contained shall extend to take away or restrain the effect of any such royal proclamation, as his Majesty, his heirs and successors, are impowered to make by virtue of an act, passed in the thirteenth year of his late Majesty's reign, (intituled, *An act for the better supply of mariners and seamen, to serve in his Majesty's ships of war, and on board merchant ships and other trading ships and privateers.*)

This act not to restrain any royal proclamation to be made pursuant to an act 13 Geo. II.

C A P. VII.

An act for repairing the highways and bridges in the county of Wigton.

C A P. VIII.

An act to enable his Majesty to license a theatre in the city of Bristol.

C A P. IX.

An act for taking down the parish church of Lilford, being a vicarage united to the rectory of Achurch, in the county of Northampton; and for repairing the parish church of Achurch aforesaid; and for other purposes therein mentioned.

C A P. X.

An act to continue and enlarge the term and powers of an act, made in the thirtieth year of the reign of King George the second, for building a hridge over the river Lea, at or near a place called Jeremy's Ferry; and for making, repairing, and widening roads from thence into the great roads at Snarebrook, in the county of Essex, and at Clapton, in the county of Middlesex.

C A P. XI.

An act for repealing an act, passed in the fourteenth year of his present Majesty's reign, intituled, An act for the better regulating the government of the province of the Massachusetts Bay in New England.

WHEREAS the province of the Massachusetts Bay had for many years been governed under a charter, granted by their late majesties King William and Queen Mary: and whereas an act, passed in the fourteenth year of his present Majesty's reign, intituled, *An act for the better regulating the government of the province of the Massachusetts Bay in New England, has been found to create great uneasinesses in the minds of the inhabitants of the said province, and has occasioned jealousies and apprehensions of danger to their liberties and rights in several other of the colonies and plantations in North America: for quieting and extinguishing such uneasinesses and apprehensions, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled; and by the authority of the same, That, from and after the passing of this act, the said act, of the fourteenth year of the reign of his present Majesty, be, and the same is hereby repealed.*

Preamble.

Act 14 Geo. III. recited,

and repealed.

C A P. XII.

An act for removing all doubts and apprehensions concerning taxation by the parliament of Great Britain in any of the colonies, provinces, and plantations in North America and the West Indies; and for repealing so much of an act, made in the seventh year of the reign of his present Majesty, as imposes a duty on tea imported from Great Britain into any colony or plantation in America, or relates thereto,

Preamble.

WHEREAS taxation by the parliament of Great Britain, for the purpose of raising a revenue in his Majesty's colonies, provinces, and plantations, in North America, has been found by experience to occasion great uneasinesses and disorders among his Majesty's faithful subjects, who may nevertheless be disposed to acknowledge the justice of contributing to the common defence of the empire, provided such contribution should be raised under the authority of the general court, or general assembly, of each respective colony, province, or plantation: and whereas, in order as well to remove the said uneasinesses, and to quiet the minds of his Majesty's subjects who may be disposed to return to their allegiance, as to restore the peace and welfare of all his Majesty's dominions, it is expedient to declare that the King and parliament of Great Britain will not impose any duty, tax, or assessment, for the purpose of raising a revenue in any of the colonies, provinces, or plantations: May it please your Majesty that it may be declared and enacted; and it is hereby declared and enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the passing of this act, the King and parliament of Great Britain will not impose any duty, tax, or assessment whatever, payable in any of his Majesty's colonies, provinces, and plantations, in *North America* or the *West Indies*; except only such duties as it may be expedient to impose for the regulation of commerce; the net produce of such duties to be always paid and applied to and for the use of the colony, province, or plantation, in which the same shall be respectively levied, in such manner as other duties collected by the authority of the respective general courts, or general assemblies, of such colonies, provinces, or plantations, are ordinarily paid and applied.

No tax to be hereafter imposed, by the King and parliament of Great Britain, on any of the colonies in North America or the West Indies: except, etc.

So much of an act 7 Geo. III. as imposes a duty on tea imported from Great Britain into America, repealed.

II. And be it further enacted by the authority aforesaid, That, from and after the passing of this act, so much of an act, made in the seventh year of his present Majesty's reign, intituled, *An act for granting certain duties in the British colonies and plantations in America; for allowing a drawback of the duties of customs upon the exportation from this kingdom of coffee and cocoa nuts of the produce of the said colonies or plantations; for discontinuing the drawbacks payable on China earthen ware exported to America; and for more effectually preventing the clandestine running of goods in the said colonies and plantations; as imposes a duty on tea imported from Great Britain into any colony or plantation in America, or has relation to the said duty, be, and the same is hereby repealed.*

C A P.

C A P. XIII.

An act to enable his Majesty to appoint commissioners with sufficient powers to treat, consult, and agree upon the means of quieting the disorders now subsisting in certain of the colonies, plantations, and provinces of North America.

FOR the quieting and extinguishing of divers jealousies and apprehensions of danger to their liberties and rights, which have alarmed many of his Majesty's subjects in the colonies, provinces, and plantations of New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three lower counties on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia; and for a full manifestation of the just and gracious purposes of his Majesty, and his parliament, to maintain and secure all his subjects in the clear and perfect enjoyment of their liberties and rights; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful for his Majesty, from time to time, by letters patent under the great seal of Great Britain, to authorise and empower five able and sufficient persons, or any three of them, to treat, consult, and agree with any body or bodies politick and corporate, or with any assembly or assemblies of men, or with any person or persons whatsoever, of and concerning any grievances, or complaints of grievances, existing, or supposed to exist, in the government of any of the said colonies; provinces, or plantations respectively, or in the laws and statutes of this realm respecting the same; and of or concerning any aid or contribution to be furnished by any of the said colonies, provinces, or plantations respectively, for the common defence of this realm, and the dominions thereunto belonging; and of and concerning any other regulations, provisions, matters, and things, necessary or convenient for the honour of his Majesty, and his parliament, and for the common good of all his subjects.

Preamble.

His Majesty empowered to appoint five commissioners to treat with the Americans for redress of grievances, etc.

II. Provided also, and be it further enacted and declared, That no regulation, provision, matter, or thing, so proposed, treated, consulted, or agreed, shall have any other force or effect, or be carried further into execution, than is herein-after mentioned and provided, until the same shall have been confirmed by parliament.

The regulations, etc. agreed on, not to be finally binding until confirmed by parliament.

III. Provided also, and be it further enacted by the authority aforesaid, That in order to facilitate the good purposes of this act, his Majesty may lawfully enable the said commissioners, or any three of them, from time to time, to order and proclaim a cessation of hostilities, on the part of his Majesty's forces, by sea or land, for any time, and under any conditions or restrictions; and such order and proclamation to revoke and annul in the same manner and form.

Commissioners may order a cessation of hostilities by sea or land.

IV. And be it further enacted, That it shall and may be lawful may impow

the commis-
sioners to sus-
pend, by pro-
clamation, the
prohibitory
act of 16 Geo.
III;

lawful for his Majesty, by such letters patent as aforesaid, to authorise and empower the said commissioners, or any three of them, by proclamation under their respective hands and seals, from time to time, to suspend the operation and effect of a certain act of parliament, made and passed in the sixteenth year of the reign of his present Majesty, for prohibiting all trade and intercourse with certain colonies and plantations therein named, and for the other purposes therein also mentioned, or any of the provisions or restrictions therein contained; specifying in such proclamation at what times and places respectively, and with what exceptions and restrictions, and under what passes and clearances, in lieu of those heretofore directed by any act or acts of parliament for regulating the trade of the colonies or plantations, the said suspension shall take effect; and the said suspension and proclamation, in the same manner and form, to annul and revoke.

or any other
act, or part of
an act, relating
to America,
passed since
Feb. 10, 1763.

V. And be it further enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, by such letters patent as aforesaid, to authorise and empower the said commissioners, or any three of them, to suspend, in any places, and for any times during the continuance of this act, the operation and effect of any act or acts of parliament which have passed since the tenth day of *February*, one thousand seven hundred and sixty-three, and which relate to any of his Majesty's said colonies, provinces, or plantations in *North America*, so far as the same does relate to them; or the operation and effect of any clause, or any provision or matter therein contained, so far as such clauses, provisions, or matters relate to any of the said colonies, provinces, or plantations.

His Majesty
may empower
the commis-
sioners to grant
pardons;

VI. And it is hereby enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, by such letters patent as aforesaid, to authorise and empower the said commissioners, or any three of them, and they are hereby authorised and empowered, to grant a pardon or pardons to any number or description of persons within the said colonies, provinces, or plantations.

and to appoint
governors in
those provinc-
es, etc. wherein
his Majesty
hath usually
appointed
them.

VII. *And, that no let or hindrance may happen from the vacancy of the office of governor and commander in chief in any of the said colonies, provinces, or plantations respectively, or from the absence of such officer from his government,* be it further enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, by such letters patent as aforesaid, to authorise and empower the said commissioners, or any three of them, in any of the said colonies, provinces, or plantations respectively, wherein his Majesty hath usually heretofore nominated and appointed a governor, to nominate and appoint, from time to time, by any instrument under their hands and seals, a proper person to be the governor and commander in chief in and for any such colony, province, or plantation; to have, hold, and exercise the the said office of governor and commander in chief in and for such colony or plantation respectively, with all such powers and authorities

1778.] Anno decimo octavo GEORGI III. C. 14, 15.

authorities as any governor of such province heretofore appointed by his Majesty might or could have exercised, in as full and ample manner and form as if such governor and commander in chief had been nominated and appointed by his Majesty's letters patent or commission; and for that purpose, if need be, to revoke, annul, and make void, any commission or letters patent heretofore granted for appointing any such governor and commander in chief.

VIII. And be it further enacted, That this act shall continue Continuance to be in force until the first day of June, one thousand seven of this act. hundred and seventy-nine.

C A P. XIV.

An act for defraying the charge of the pay and cloathing of the militia in that part of Great Britain called England, for one year, beginning the twenty-fifth day of March, one thousand seven hundred and seventy-eight; and for filling up vacancies in the militia, in the cases therein mentioned.

C A P. XV.

An act for the relief of the captors of prizes, with respect to the bringing and landing certain prize goods in this kingdom

WHEREAS *several ships and vessels, with their cargoes,* Preamble.
have been taken, and condemned as prize, in pursuance of,
and under the authority of an act made in the sixteenth year of the
reign of his present Majesty, (intituled, An act to prohibit all Recital of 16.
trade and intercourse with the colonies of New Hampshire, Geo. 3. Cap. 5.
Massachusetts Bay; Rhode Island, Connecticut, New York, New
Jersey, Pennsylvania, the three lower counties on Delaware,
Maryland, Virginia, North Carolina, South Carolina, and Georgia,
during the continuance of the present rebellion within the said
colonies respectively; for repealing an act, made in the four-
teenth year of the reign of his present Majesty, to discontinue the
landing and discharging, lading or shipping, of goods, wares, and
merchandise, at the town, and within the harbour of Boston, in the
province of Massachusetts Bay; and also two acts, made in the
last session of parliament, for restraining the trade and commerce
of the colonies in the said acts respectively mentioned; and to
enable any person or persons, appointed and authorised by his
Majesty to grant pardons, to issue proclamations, in the cases
and for the purposes therein mentioned:) And whereas part of
the cargoes of such ships and vessels, which is now secured in the
warehouses at several ports in this kingdom, not being goods of the
growth, produce, or manufacture of any British American colony or
plantation, or of any other place or country under the dominion of his
Majesty, are subject, by the laws now in force, to the payment of high
duties upon being imported into and used in this kingdom; which du-
ties, in some instances, being equal to the value of the goods, will not
only be a discouragement to the captors and importers thereof, but will
put them under the necessity to send such goods, for the future, directly
to foreign markets, to the loss of his Majesty's revenue, and the pre-
judice

All goods, not being the growth, etc. of British America, or other his Majesty's dominions, that have been taken, or shall be during the continuance of the recited act, and brought into Great Britain by any ship properly commissioned,

to be secured under the King's locks in warehouses, at the expence of the captors.

Duties to be paid when the goods are warehoused.

judice of the trade of this kingdom: for remedy whereof, may it please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That any goods, not being the growth, produce, or manufacture, of any *British American* colony or plantation, or any other place or country under the dominion of his Majesty, that have been, or any goods or merchandises whatsoever which shall hereafter be taken during the continuance of the said recited act, and which have been, or shall be brought into *Great Britain* by any of his Majesty's ships of war, or by any private or other ship or vessel having commission from the lord high admiral of *Great Britain*, or the commissioners for executing the office of lord high admiral of *Great Britain* for the time being, for that purpose, shall and may, upon condemnation thereof as lawful prize, be landed in any port within this kingdom, and secured under the King's locks, in warehouses provided at the sole expence of the captors, with the privity and approbation, and under the care and inspection, of the commissioners, or other principal officers, for collecting and managing the respective duties of customs and excise to which such goods are liable; and upon admission of any such goods into such warehouses, there shall be paid by the captors, or their agents, the following duties only, which shall not be afterwards drawn back or repaid upon the exportation of the same goods; that is to say, for all such goods (except wines and vinegar, and such goods as are herein-after enumerated) taken, as aforesaid, by any of his Majesty's ships of war, the half of the old subsidy, granted by the act of tonnage and poundage, passed in the twelfth year of the reign of King *Charles* the second; and the whole of the further subsidy of poundage, granted by an act passed in the twenty-first year of the reign of his late majesty King *George* the second, being what is commonly called *the subsidy one thousand seven hundred and forty-seven*; and for the like goods, if taken by any private or other ship having commission as aforesaid, the half of the old subsidy, and no more; which duties shall be collected, paid, and applied, in the same manner, and to the same purposes, whereunto they are by law appropriated, subject nevertheless to the customary and legal discounts and abatements, and allowances for damage; and for every ton of such wine and vinegar, taken as aforesaid, either by his Majesty's ships of war, or ships having commissions as aforesaid, the sum of three pounds, and so after the same rate for any greater or lesser quantity, to be paid into the receipt of his Majesty's exchequer, as part of the duties arising by an act, passed in the eighteenth year of the reign of his late majesty King *George* the second, (intituled, *An act for granting to his Majesty several additional duties upon all wines imported into Great Britain; and for raising a certain sum of money by annuities, and a lottery, in manner therein mentioned, to be charged on the said additional duties.*)

II. And be it further enacted by the authority aforesaid, That the half of the old subsidy, granted by the said act of the twelfth of *Charles* the second, and the whole of the further subsidy of poundage, granted by the said act of the twenty-first year of the reign of his said late Majesty, which is directed by this act to be paid for such prize goods taken by his Majesty's ships of war; and the half of the old subsidy, granted by the said act of the twelfth of *Charles* the second, which is directed by this act to be paid for such prize goods taken by private or other ships having commissions as aforesaid, shall be payable *ad valorem*, and no otherwise, upon the oath of the captors, or their agents, upon the following goods; that is to say, upon all sorts of woollen, worsted, thread, cotton, linen, and silk manufactures, medicinal drugs, and hats, handkerchiefs, checks, knives, nails, and all kind of hard-ware, notwithstanding the same may have been rated in the book of rates of the twelfth year of the reign of King *Charles* the second, or the additional book of rates of the eleventh year of the reign of his late majesty King *George* the first; and that the said duties *ad valorem* respectively, on the goods before enumerated, shall be levied and collected by the same rules and regulations, and under the same penalties and forfeitures, as are directed and prescribed in or by any act or acts of parliament now in force with respect to any goods paying duty *ad valorem*.

Duties on certain enumerated goods to be paid *ad valorem*.

III. Provided always, That no duties or customs whatsoever shall be demanded or taken for any prize goods, consisting of any military or ship stores, or any goods which, by any law now in force, may be imported into this kingdom duty-free; any thing in this or any other act contained to the contrary notwithstanding.

Certain goods not liable to any duty.

IV. And it is hereby further enacted by the authority aforesaid, That any prize goods which shall be received into any warehouse in pursuance of this act, or which are now remaining in any warehouse in this kingdom, where they have been secured under the King's locks, by the permission of the commissioners of the customs, shall and may, upon payment of the respective duties before directed by this act, be exported at any time directly from them, either by the captors or their agents, or by any other person or persons, without paying any further duty of customs or excise for the same; the person or persons exporting the same giving sufficient security, in double the value of the goods, before the delivery thereof out of the warehouse, that the same shall be really and truly exported, and not brought back again, or relanded, in any part of *Great Britain*, or the islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, or the islands of *Faro* or *Ferro*; which security the customer or collector of the port from whence the same are intended to be exported, is hereby required and authorised to take in his Majesty's name, and to his Majesty's use.

Goods lodged in any warehouse, as aforesaid, may, on payment of the before-mentioned duties, be exported, giving sufficient security, etc.

V. Provided always, and it is hereby further enacted by the authority aforesaid, That if any goods shall be taken out of any

Provido, relating to goods taken out of ware-

warehouses
for home
consumption.

warehouse wherein they are secured as aforesaid, to be consumed in this kingdom, the person or persons so taking out the same shall first pay up the remainder of the duties which would have been due and payable to his Majesty thereon, if the same had been regularly imported by way of merchandise into this kingdom; and such goods shall, in all other respects, be liable to the same restrictions and regulations to which they would have been subject if this act had not been made.

Unmerchant-
able wine not
liable to duty.

VI. Provided nevertheless, That nothing in this act shall extend, or be construed to extend, to charge any wine with the before mentioned duty of three pounds *per* ton, which shall, at the time of landing the same, be damaged, corrupt, or unmerchantable, and which shall be given up by the captors, or their agents, to the officers of the customs, to be publickly sold, in order to be distilled into brandy, or to be made into vinegar, in the manner directed by an act passed in the twelfth year of the reign of his late majesty King George the first, (intituled, *An act for the improvement of his Majesty's revenues of customs, excise, and inland duties.*)

C A P. XVI.

An act for allowing the exportation of certain quantities of wheat-flour, biscuit, and pease, to Newfoundland, Nova Scotia, Bay Chaleur, and Labrador.

Preamble.

Acts
23 Geo. 3.

24 Geo. 3.

and 26 Geo. 3.
recited.

WHEREAS by an act, made in the thirteenth year of his present Majesty's reign, (intituled, *An act to regulate the importation and exportation of corn,*) whenever the prices of certain species of British corn or grain exceed the prices therein limited, the exportation thereof from this kingdom is prohibited, under certain penalties in the said act mentioned, except in particular cases allowed by that and several subsequent acts of parliament: and whereas certain quantities of biscuit and pease, allowed to be exported to the island of Newfoundland, for the benefit of the British fishery there, by two acts, the one made in the fourteenth year of the reign of his present Majesty, (intituled, *An act to allow the importation of a limited quantity of biscuit and pease to the island of Newfoundland, for the benefit of the British fishery there;*) and the other made in the sixteenth year of the reign of his present Majesty, (intituled, *An act for allowing the exportation of certain quantities of wheat and other articles to his Majesty's sugar colonies in America, and to the island of Saint Helena, and to the other settlements belonging to the united company of merchants of England trading to the East Indies, and of biscuit and pease to Newfoundland, Nova Scotia, Bay Chaleur, and Labrador;* and for indemnifying all persons with respect to advising or carrying into execution his Majesty's orders of council already made for allowing the exportation of wheat and other articles;) have been found insufficient for the use of the British subjects carrying on the fishery at the said island of Newfoundland, Nova Scotia, Bay Chaleur, and Labrador; may it therefore please your Majesty that it may be enacted; and be

be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the passing of this act, it shall and may be lawful to ship and export wheat-flour, bread, biscuit, and pease, out of and from the several ports in this kingdom herein-after mentioned, to the several places herein-after named, for the benefit of the *British* fishery carried on in those parts, so as the same do not exceed the several quantities respectively limited to those places in any one year, any thing in the said recited acts, or either of them, to the contrary notwithstanding; (that is to say,)

Certain quantities of wheat-flour, etc. allowed to be exported to Newfoundland, etc. for the benefit of the fishery, from the ports herein-after mentioned.

From the port of *London*.

To the island of *Newfoundland*, four hundred quarters of wheat-flour, two hundred and fifty tons of biscuit, and two hundred quarters of pease.

To *Nova Scotia*, three hundred quarters of wheat-flour, two hundred tons of biscuit, and three hundred quarters of pease.

To *Bay Chaleur*, five hundred quarters of wheat-flour, two hundred tons of biscuit, and two hundred quarters of pease.

To *Labrador*, two hundred quarters of wheat-flour, two hundred tons of biscuit, and two hundred quarters of pease.

From the port of *Bristol*.

To *Newfoundland*, three hundred quarters of wheat-flour, three hundred tons of biscuit, and two hundred quarters of pease.

To *Nova Scotia*, two hundred quarters of wheat-flour, two hundred tons of biscuit, and two hundred quarters of pease.

To *Bay Chaleur*, two hundred quarters of wheat-flour, one hundred and fifty tons of biscuit, and two hundred quarters of pease.

To *Labrador*, two hundred quarters of wheat-flour, one hundred and fifty tons of biscuit, and two hundred quarters of pease.

From the port of *Poole*.

To *Newfoundland*, two thousand five hundred quarters of wheat-flour, one thousand one hundred tons of biscuit, and one thousand quarters of pease.

To *Nova Scotia*, two hundred quarters of wheat-flour, one hundred tons of biscuit, and one hundred quarters of pease.

To *Bay Chaleur*, three hundred quarters of wheat-flour, one hundred tons of biscuit, and one hundred quarters of pease.

To *Labrador*, two hundred quarters of wheat-flour, one hundred tons of biscuit, and one hundred quarters of pease.

From the port of *Dartmouth*.

To *Newfoundland*, one thousand five hundred quarters of wheat-flour, five hundred tons of biscuit, and five hundred quarters of pease.

To *Nova Scotia*, three hundred quarters of wheat-flour, one hundred and fifty tons of biscuit, and one hundred and fifty quarters of pease.

To *Bay Chaleur*, three hundred quarters of wheat-flour, two hundred tons of biscuit, and one hundred and fifty quarters of pease.

To *Labrador*, three hundred and fifty quarters of wheat-flour, one hundred and fifty tons of biscuit, and one hundred and fifty quarters of pease.

From the ports of *Topsham* and *Tynemouth*, within the port of *Exeter*, not exceeding in the whole from both places.

To *Newfoundland*, one thousand five hundred quarters of wheat-flour, five hundred tons of biscuit, and six hundred quarters of pease.

To *Nova Scotia*, three hundred quarters of wheat-flour, two hundred tons of biscuit, and two hundred quarters of pease.

To *Bay Chaleur*, three hundred quarters of wheat-flour, two hundred tons of biscuit, and two hundred quarters of pease.

To *Labrador*, three hundred quarters of wheat-flour, two hundred tons of biscuit, and two hundred quarters of pease.

From the port of *Barrington*.

To *Newfoundland*, four hundred quarters of wheat-flour, one hundred and fifty tons of biscuit, and one hundred and fifty quarters of pease.

From the port of *Liverpool*.

To *Newfoundland*, three hundred quarters of wheat-flour, one hundred and fifty tons of biscuit, and one hundred and fifty quarters of pease.

From the port of *Wynmouth*.

To *Newfoundland*, two hundred quarters of wheat flour, sixty tons of biscuit, and one hundred and twenty quarters of pease.

From the port of *Chester*.

To *Newfoundland*, three hundred quarters of wheat-flour, one hundred tons of biscuit, and one hundred and twenty quarters of pease.

The said articles to be subject to the like securities, etc. on exportation, as directed by the recited act 14 Geo. 3.

Provided always, and it is hereby further enacted by the authority aforesaid, That the said articles exported as aforesaid, in pursuance of this act, shall be subject to the like securities, at the respective ports from whence they are exported, that the same shall not be landed or sold in any parts whatsoever other than the respective places for which the same shall be entered and declared for exportation, and in all other respects not altered by this act shall be liable to such and the like rules, restrictions, and regulations; and the persons granting or making any false certificate, or counterfeiting, erasing, or falsifying any certificate, or knowingly

ingly publishing such certificate so counterfeited, erased, or falsified, shall be subject to the same disabilities, penalties, and forfeitures, as are respectively prescribed and directed by the said recited act, made in the fourteenth year of his Majesty's reign; which penalties and forfeitures shall and may be sued for, prosecuted, and recovered, and applied, in the manner directed by that act.

C A P. XVII.

An act for building an additional jail, and also a prison and house of correction, within the county of Cornwall; and for other purposes therein mention.d.

C A P. XVIII.

An act to explain an act, passed in the seventh year of the reign of his late majesty King George the second, intituled, An act for the more effectual preventing the forging the acceptance of bills of exchange; or the numbers or principal sums of accountable receipts for notes, bills, or other securities for payment of money; or warrants or orders for payment of money or delivery of goods.

WHEREAS doubts have arisen whether the punishment inflicted by an act of parliament, made and passed in the seventh

year of the reign of his late majesty King George the second, (intituled, An act for the more effectual preventing the forging the acceptance of bills of exchange; or the numbers or principal sums of accountable receipts for notes, bills, or other securities for payment of money; or warrants or orders for payment of money or delivery of goods,) on persons guilty of the several species of forgery therein mentioned, extends to such forgeries when committed with an intention to defraud any corporation; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if any person, from and after the twenty-fifth day of March, one thousand seven hundred and seventy eight, shall falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or willingly act or assist in the false making, altering, forging, or counterfeiting, any acceptance of any bill of exchange, or the number or principal sum of any accountable receipt for any note, bill, or other security for payment of money, or any warrant or order for payment of money or delivery of goods, with intention to defraud any corporation whatsoever; or shall utter or publish as true any false, altered, forged, or counterfeited acceptance of any bill of exchange, or accountable receipt for any note, bill, or other security for payment of money, or warrant or order for payment of money or delivery of goods, with intention to defraud any corporation whatsoever, knowing the same to be false, altered, forged, or counterfeited; every such person, being thereof lawfully convicted, shall be deemed guilty of felony, and shall suffer death as a felon without benefit of clergy.

Preamble.

Act 7 Geo. 2.
recited.

Persons convicted of forging an acceptance of bills of exchange, or receipt for payment of money, etc. with intent to defraud any corporation, shall suffer death as felons.

C A P. XIX.

An act for the payment of costs to parties, on complaints determined before justices of the peace out of sessions; for the payment of the charges of constables in certain cases; and for the more effectual payment of charges to witnesses and prosecutors of any larceny, or other felony.

Preamble.

Justices, out of session, empowered to award costs on determination of complaints brought before them.

On refusal of party to pay, etc the same may be levied by distress.

If the penalty on any conviction shall amount to 5 l. the costs shall be deducted thereout, etc.

The forms annexed to this act to be used.

WHEREAS by the laws now in being, his Majesty's justices of the peace are not sufficiently authorised, on complaints that come before them out of sessions, to award costs against either the person or persons complaining, or the person or persons against whom any complaint is made, as to justice may appertain: may it please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That where any complaint shall be made before any of his Majesty's justices of the peace for any county, riding, division, city, town corporate, franchise, or liberty, and any warrant or summons shall issue in consequence of such complaint, that then it shall and may be lawful to and for any justice or justices of the peace, who shall have heard and determined the matter of the said complaint, to award such costs to be paid by either of the parties, and in manner and form as to him or them shall seem fit, to the party injured: and in case any person, so ordered by the said justice or justices of the peace to pay such sums of money as aforesaid, shall not forthwith pay down or give security for the same to the satisfaction of the justice or justices, it shall and may be lawful for the said justice or justices, by warrant under his hand and seal or their hands and seals, to levy the said sum or sums by distress and sale of the goods and chattels of such person so refusing or neglecting; and where goods and chattels of such person cannot be found, to commit such person to the house of correction, for the county, riding, division, city, town corporate, franchise, or liberty, wherein such person shall reside, there to be kept to hard labour for any time nor exceeding one month, nor less than ten days, or until such sum or sums of money, together with the expences attending the commitment of such person to such house of correction, be first paid.

II. Provided nevertheless, That upon the conviction of any person or persons upon any penal statute or statutes, where the penalty or penalties shall amount to or exceed the sum of five pounds, the said costs shall be deducted by the said justice or justices, according to his or their discretion, out of the said penalty or penalties, so that the said deduction shall not exceed one fifth part of the said penalty or penalties; and the remainder of the said penalty or penalties shall be paid to, or divided among, the person or persons who would have been entitled to the whole of the penalty or penalties in case this act had not been made.

III. And be it further enacted by the authority aforesaid, That

That the several forms to this act annexed shall and may in the respective cases be used and observed.

IV. *And whereas constables, headboroughs, and tithingmen, are or may be at great charge in doing the business of their parish, township, or place, and in many cases are not sufficiently indemnified by the laws;* be it therefore enacted by the authority aforesaid, That every constable, headborough, or tithingman, shall every three months, and within fourteen days after he shall go out of such office, deliver to the overseers of the poor of the said parish, township, or place, for the time being, a just account in writing, fairly entered in a book to be kept for that purpose, and signed by him, of all sums so by him expended on account of the said parish, township, or place, in all cases not hitherto provided for by the laws heretofore made, or by this act, and also of all sums received by him on the account of the said parish, township, or place; and the said overseers of the poor, or their successors, shall, within the next fourteen days after the said account or accounts shall be so delivered, lay the same before the inhabitants of the said parish, township, or place; and in case the said account or accounts be approved of by the majority of such inhabitants, the overseers of the poor of the said parish, township, or place, for the time being, are hereby authorised and required to pay out of the poor rates, made or to be made, for such parish, township, or place, such sum or sums of money as shall appear to be due on the said account or accounts; but in case the said account or accounts, or any part thereof, shall be disallowed, then the said overseers of the poor for the time being shall then deliver back to the said constable, headborough, or tithingman, such book of accounts; and it shall and may be lawful to and for the said constable, headborough, or tithingman, then to produce the said book before any one or more of his Majesty's justices of the peace in and for the county, riding, division, city, town corporate, franchise, or liberty, wherein such parish or township shall be situate, giving reasonable notice thereof to the overseers of the poor of the said parish, township, or place, for the time being; which said justice or justices is and are hereby authorised to examine the same, and to hear and determine any objection or objections that shall be made to the said accounts, and to settle the sum which to him or them shall appear due on the said account, and to enter the same in the said account, and to sign his or their name or names thereto; and the overseers of the poor of the said parish, township, or place, for the time being, are hereby authorised and required to pay the said sum, out of the money which shall come to their hands by virtue of any rate or assessment made or to be made for the relief of the poor.

Constables, etc, shall, every three months, deliver to the overseers an account of money by them expended or received on account of their respective parishes.

If any such account shall be disallowed, a justice may settle the same.

V. Provided nevertheless, That in case the overseer or overseers of the poor of the said parish, township, or place, for the time being, shall find that the said parish, township, or place, is aggrieved by any neglect, act, or thing done, or omitted, by the said constable, headborough, or tithingman, or by any of his Majesty's justices of the peace, or shall have any material objection

Appeal may be made from the justice's determination, etc. to the quarter sessions;

tion to such account, or any part thereof, or to such determination as aforesaid, it shall and may be lawful for such overseer or overseers, in any of the cases aforesaid, giving reasonable notice to the said justice, constable, headborough, or tithingman, to appeal to the next general or quarter sessions of the peace for the county, riding, division, city, town corporate, franchise, or liberty, where such parish, township, or place lies; and the justices of the peace there assembled are hereby authorised and required to receive such appeal, and to hear and finally determine the same; but if it shall appear to the said justices, that reasonable notice was not given, then they shall adjourn the said appeal to the next quarter sessions, and then and there finally hear and determine the same; and the said justices may award and order, to the party for whom such appeal shall be determined reasonable costs, in the same manner that they are empowered to do in case of appeals concerning the settlement of poor persons, by an act made in the eighth and ninth years of King William the third, intituled, *An act for supplying some defects in the laws for the relief of the poor of this kingdom.*

who may
award costs.

Proviso relating to corporations, etc.

VI. Provided always, That in all corporations or liberties which have not four justices of the peace, it shall and may be lawful for the overseer or overseers of the poor of the parish, township, or place, for the time being, where an appeal is given by this act, to appeal, if he or they shall think fit, to the next general or quarter sessions of the peace for the county, riding, or division, wherein such corporation or liberty is situate.

Recital of an Act 25 Geo. 2. for preventing thefts and robberies, etc.

VII. *And whereas, by an act passed in the twenty-fifth year of his late majesty King George the second, intituled, An act for the better preventing thefts and robberies, and for regulating places of publick entertainment, and punishing persons keeping disorderly houses; it was recited, That whereas many persons are deterred from prosecuting persons guilty of felony, upon account of the expence attending such prosecutions, which is a cause of the encouragement of thefts; and it was therein, among other things, enacted, That it should and might be in the power of the court before whom any person has been tried and convicted of any grand or petit larceny, or other felony, at the prayer of the prosecutor, and on consideration of his circumstances, to order the treasurer of the county in which the offence shall have been committed, to pay unto such prosecutor such sum of money as to the said court shall seem reasonable, not exceeding the expences which it shall appear to the court the prosecutor was put unto in carrying on such prosecution, making him a reasonable allowance for his time and trouble therein; which order the clerk of assize, or clerk of the peace, respectively, was thereby directed and required forthwith to make out, and deliver unto such prosecutor, upon being paid for the same the sum of one shilling, and no more: And whereas, by an act, passed in the twenty-seventh year of his late majesty King George the second, reciting, That the expence, as well as loss of time, in attending courts of justice, is a discouragement to the poorer sort to appear as witnesses against offenders, who thereby escape the publick justice, and the punishment due to their crimes; it was enacted, That when any poor person shall*

and of an act 27 Geo. 2. for allowing the expences of poor witnesses in cases of felony.

shall appear on recognizance in any court, to give evidence against another accused of any grand or petit larceny, or other felony, it should and might be in the power of the court, at the prayer and on the oath of such person, and on consideration of his circumstances, in open court to pay unto such person such sum of money as to the said court shall seem reasonable, for his time, trouble, and expence; which order the proper officer of such court is required to make out and deliver to such person, upon being paid for the same the sum of sixpence, and no more: And whereas the said recited acts of the twenty-fifth and twenty-seventh years of his late majesty King George the second, have been a great encouragement towards bringing offenders to justice, in all such cases as are within the purview of the said statutes; but nevertheless it has been found by experience, that the said herein-before recited statute of the twenty-seventh year of his said late Majesty, with regard to persons appearing on recognizance in any court to give evidence as aforesaid, extends only to poor persons, such court also considering their circumstances; and also does not extend to persons appearing on subpœna to give evidence: And whereas the said act of the twenty-fifth year of his said late Majesty, with regard to prosecutors, directs the court to consider the circumstances of such prosecutor, and also gives him relief only where the offender is convicted: And whereas it is just and reasonable, and may tend in future to the prevention of crimes, or to the due prosecution of all offenders against the laws, that every prosecutor to conviction, and every person so appearing on recognizance or subpœna to give evidence, should be allowed his reasonable expences, and also, in case he be poor, a reasonable satisfaction for his trouble and loss of time; and that such allowance should be made to prosecutors as aforesaid, even though the person so accused be acquitted, provided it shall appear to such court, before whom the said prisoner shall have been tried, that there was a reasonable ground of prosecution, and that the prosecutor hath bona fide prosecuted; be it further enacted by the authority aforesaid, That, from and after the passing of this act, it shall and may be in the power of the court before whom any person has been tried and convicted of any grand or petit larceny, or other felony, or before whom any person has been tried and acquitted of any grand or petit larceny, or other felony, in case it shall appear to the said court that there was a reasonable ground of prosecution, and that the said prosecutor hath bona fide prosecuted, to order, upon prayer of the said prosecutor, the treasurer of the county, riding, or division, in which the offence shall have been committed, or shall have been supposed to have been committed, to pay unto such prosecutor such sum of money as to the said court shall seem reasonable, not exceeding the expences which it shall appear to the court the prosecutor was bona fide put unto in carrying on such prosecution, making, in case the said prosecutor shall appear to the court to be in poor circumstances, a reasonable allowance to such prosecutor for trouble and loss of time; which order the clerk of assize, or clerk of the peace, respectively, is hereby directed and required forthwith to make out and deliver unto such prosecutor, upon being paid for the same the sum of one shilling, and no more; and the

The court, before whom any person is tried for felony, may order the treasurer of the county, etc. to pay the prosecutor his expences, and an allowance for loss of time.

treasurer of the said county, riding, or division, is hereby authorized and required, upon sight of such order, forthwith to pay to such prosecutor, or other person authorized to receive the same, such sum of money as aforesaid, and shall be allowed the same in his accounts.

And persons appearing in court, on recognizance or subpœna, to give evidence, shall in like manner be allowed their expences, etc.

VIII. And be it further enacted by the authority aforesaid, That it shall and may be in the power of the court, where any person shall appear, on recognizance or subpœna, to give evidence, as to any grand or petit larceny or other felony, whether any bill of indictment be preferred or not to any grand jury, provided the said person shall, in the opinion of the said court, *bona fide* have attended the said court in obedience to such recognizance or subpœna, to order the treasurer of the county, riding, or division, in which the offence shall have been committed, or shall have been supposed to have been committed, to pay unto such person such sum of money as to the said court shall seem reasonable, not exceeding the expences which it shall appear to the said court the said person was *bona fide* put unto by reason of the said recognizance and subpœna, making, in case the said person shall appear to the court to be in poor circumstances, a reasonable allowance to such person for trouble and loss of time; which order the clerk of assize, or clerk of the peace, respectively, is hereby directed and required forthwith to make out and deliver to such person, upon being paid for the same the sum of sixpence, and no more; and the treasurer of the said county, riding, or division, is hereby authorized and required, upon sight of such order, forthwith to pay to such person, or other person authorized to receive the same, such sum of money as aforesaid, and shall be allowed the same in his accounts.

The quarter sessions to make regulations for allowing the before-mentioned expences;

which are to be approved of by one of the judges at the assizes, etc.

IX. Provided nevertheless, and be it further enacted, That it shall and may be lawful for his Majesty's justices of the peace, in and for any county, riding, division, city, town corporate, franchise, or liberty, in quarter sessions assembled, to lay down or alter, from time to time, such rules and regulations, as to any costs or charges thereafter to be allowed to any person whatsoever, by virtue of any part of this act, for the better carrying the intent of any part of this act into execution, and for the preventing any unnecessary expence, as to them shall seem most just and reasonable; which rules and regulations, having received the approbation and signature of one or more of his Majesty's judges of oyer and terminer, or general gaol delivery, at the assizes for the county wherein such rules and regulations shall have been made, shall be binding, and not otherwise, on all persons whatsoever; and no person whatsoever shall be allowed any greater sum of money, by virtue of this act, than according to the said rules and regulations so approved of as aforesaid, any thing herein contained to the contrary thereof in anywise notwithstanding.

Limitation of actions.

X. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this act; that then, and

and in every such case, the action or suit shall be brought within six calendar months next after the fact committed; and the defendant or defendants in such action or suit may plead the general issue, and give this act and the special matter in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this act: and if it shall appear so to have been done, the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuit, or discontinue his action after the defendant or defendants shall have appeared, or if judgement shall be given, upon any verdict or demurrer, against the plaintiff, the defendant and defendants shall and may recover treble costs, and have the like remedy for the same as the defendant or defendants hath or have in other cases by law.

I. *Form of awarding costs.*

County or Borough, &c.
to wit.

I *one (or, We* and *being two (of*
his Majesty's justices of the peace in and for the
aforesaid, in pursuance of an act,
made in the eighteenth year of his majesty King
George the third, intituled, An act for the pay-
ment of costs to parties, on complaints deter-
mined before justices of the peace out of sessions;
for the payment of the charges of constables in
certain cases; and for the more effectual pay-
ment of charges to witnesses and prosecutors of
any larceny, or other felony; on the complaint of
[here state the names of the par-
ties, and the offence generally, and the date]
against *for*
which said complaint was heard and determined by
on the *day of*
do award the following costs to be paid by
videlicet; [here state the costs.]

Given under *hand and seal (or*
hands and seals) this *day of*
in the year of our Lord

II. *Form of warrant of distress and sale.*

to wit. } To the constable of
and to all other his Majesty's constables in and for
in *aforesaid.*

WHEREAS *of his Majesty's*
justices of the peace in and for the
aforesaid, in pursuance of an act, made in the eighteenth year of his
majesty

majesty King George the third, intituled, An act for the payment of costs to parties, on complaints determined before justices of the peace out of sessions; for the payment of the charges of constables in certain cases; and for the more effectual payment of charges to witnesses and prosecutors of any larceny, or other felony; have awarded, on the *of*
now last past, on the complaint of *against*
for *the following costs to be paid by*
videlicet; [here state the sum:] And whereas the said
being ordered by *the said justice*
(or justices) to pay such sum (or sums) as aforesaid, hath not paid
down or given security for the same, to the satisfaction of
the said justice (or justices;) these are therefore to command
you, and each and every of you, to levy the said sum of
by distress and sale of the goods and chattels of the said
and *do hereby order and direct the goods and chattels so to be*
distraigned to be sold and disposed of within
days, unless the said sum of *for which such*
distress shall be made, together with the reasonable charges of taking
and keeping such distress, shall be sooner paid; and you are hereby also
commanded to certify unto *what you shall have*
done by virtue of this *warrant.*

Given under *hand and seal (or hands and*
seals) at *the* *day of*
in the year of our Lord

III. Constable's return thereon, for want of distress.

to wit. } *I* *constable of*
do hereby certify to
justice (or justices) of the peace of
that I have made diligent search for, but do not know, nor
can find any goods and chattels of
by distress and sale whereof I may levy the sum
pursuant to *warrant for that purpose,*
dated the *day of*

Given under my hand, this *day*
of *in*

IV. Commitment thereupon to the house of correction.

to wit. } *To the constable of*
and also to the keeper of the house of correction
at

W H E R E-

WHEREAS, in pursuance of an act, made in the eighteenth year of his majesty King George the third, intituled, An act for the payment of costs to parties, on complaints determined before justices of the peace out of sessions; for the payment of the charges of constables in certain cases; and for the more effectual payment of charges to witnesses and prosecutors of any larceny, or other felony; *of his Majesty's justices, of the peace, in and for the said* *did issue*
warrant of distress and sale, directed to
of *constable of the said* *of*
ordering the said constable to levy the said sum of
of the goods and chattels of the said
in manner and form as therein is mentioned: and whereas it appears to
by the return of
constable of *dated the* *day of*
that he hath made diligent search, but doth not know of, nor can find
any goods and chattels of the said *by distress and sale*
whereof the said sum of *may be levied, pursuant*
to the said warrant: these are therefore to command you, the said
constable of *to apprehend the said*
and convey the said *to the said house of correction at*
and to deliver the said *there to*
the said keeper of the said house of correction: and these are also to
command you, the said keeper of the said house of correction, to receive
the said *into the said house of correction, and*
there to keep to hard labour for the space of *from the*
date hereof, or until such sum of *together with*
the expences attending the commitment of the said
to the said house of correction, be first paid, or until the said
be discharged by due course of law.

Given under *the* *hand and seal (or hands and seals) at*
day of

C A P. XX.

An act for further continuing the duties granted by three acts; made in the fifth and twenty-fifth years of his late majesty King George the second, and in the third year of his present Majesty's reign, for enlarging the pier and harbour of Scarborough, in the county of York.

C A P. XXI.

An act for the more effectually carrying into execution the powers contained in two several acts of parliament, the one made in the twelfth year of his present Majesty's reign, for making a navigable cut or canal from the river Dee, within the liberties of the city of Chester, to or near Middlewich, and Nantwich, in the county of Cheshire; and the other made in the seventeenth year of his said Majesty's reign, for varying and enlarging the powers of the said former act.

C A P. XXII.

An act for raising a certain sum of money by way of annuities, and for establishing a lottery.

Preamble. 6,000,000 l. to be raised by annuities, and 480,000 l. by a lottery. Contributors to the sum of 6,000,000 l. to be intitled to certain annuities; which shall be charged upon a fund to be established this session.

tion, and collaterally upon the sinking fund. Contributors may have the annuity of 2 l. 10 s. *per cent.* for life, instead of for 30 years, upon producing a proper certificate to the auditor of the exchequer before Dec. 22, 1778. Every contributor of 500 l. shall, upon payment of 40 l. more, be intitled to four lottery tickets. Preamble; reciting that books have been opened at the bank, and deposits made, pursuant to a resolution of the house of commons. All persons who have made deposits, pursuant to the aforesaid resolution, are required to pay the remainder of their subscriptions at certain times specified. Subscribers to the annuities to be allowed interest for all monies paid in advance. Subscribers to the lottery, on paying in the whole of their subscriptions, shall receive tickets to the amount thereof. Subscribers to the 6,000,000 l. intitled to an annuity of 3 l. *per cent.* and also to an annuity of 2 l. 10 s. for 30 years; both payable half yearly. All contributors who shall pay in the whole of their contribution-money before June 30, 1778, may receive the half year's annuity due July 5, 1778, on the annuity of 2 l. 10 s. when they receive the half year's annuity due on the 3 *per cent.* otherwise they shall not receive the said annuity until Jan 1779. Annuities to be payable and transferrable at the bank of England, etc. Cashier of the bank to give receipts to contributors for money received; which shall be assignable, etc. Directions for the cashier in relation to such receipts. Cashier to give security, to the good liking of the commissioners of the treasury; and to pay all monies received into the exchequer. Commissioners of the treasury empowered to apply the money paid in by the cashier. A book to be provided in the accountant-general's office, in which contributors names shall be entered, etc. After contributors shall have paid their subscriptions, they will be intitled to receive the annuities granted by this act; which shall be tax-free. Subscriptions paid in part, and not completed, shall be forfeited to the publick. As soon as contributors have completed their payments, the sums subscribed shall, in the books of the bank, be placed to their credit. Accountant-general, on payment of 35 l. *per cent.* of their contributions, before Dec. 18, 1778, to give credit to the contributors for the annuity of 2 l. 10 s. which shall be transferrable. Certain rates appropriated for payment of the annuities granted by this act. Governor, etc. of the bank to appoint a chief cashier, and accountant general. Monies to be issued at the exchequer to the chief cashier, for payment of annuities created by this act. Accountant-general to examine receipts and payments. Annuities to be deemed personal estate. Books to be kept by the accountant general, wherein shall be entered all transfers of sums advanced on this act. Method of transferring. The annuities of 2 l. 10 s. *per cent. per ann.* shall be a separate stock from the other annuities. Persons possessed of stock may devise the same by will, etc. Commissioners of the treasury to discharge all incidental charges attending the execution of this act. The 3 *per cent.* annuities granted by this act shall be added to the joint stock or 3 *per cent.* transferrable at the bank, etc. The bank to continue a company till redemption of the annuities. 480,000 l. to be raised by a lottery; the prizes whereof to be paid out of any supplies granted this session. Guardians, having the disposal of infants money, may contribute to the loan, etc. Contributors, for every 100 l. they shall advance, to be intitled to an annuity of 2 l. 10 s. *per annum* for 30 years, or for life. Life annuities to be paid at the exchequer half yearly. Cashiers of the bank to give certificates to contributors who chuse life annuities, which may be assigned before Dec. 21, 1778. Cashiers to transmit to the auditor of the exchequer a book containing the names of the contributors, etc. Contributors shall deliver their certificates to the auditor, before Dec. 22, 1778, to be exchanged for orders; and name their nominees. Auditor to cause orders for payment to be made out as soon as convenient, which shall be signed by the commissioners of the treasury. Books to be kept in the offices of the auditor and clerk of the pells, containing the names of the contributors, etc. Part of the money to arise from the new duties to be set apart for payment of the annuities on lives. On death of nominees, annuities to cease. Life annuities may be transferred. Transfer to be entered at the exchequer. When contributors, etc. demand payment of their annuities in the absence of their nominees, they must produce certificates of their

their being alive on the day when the respective half yearly payments become due. What certificate necessary when the nominee resides in England or Wales. What certificate necessary when the nominee resides in Scotland or Ireland; or in parts beyond the seas. Penalty on persons receiving a half yearly payment for any time after the death of their nominee. Contributors, within a month after notice of the death of their nominee, to certify the same to the auditor of the exchequer, etc. on penalty of 10 l. Annuities to be tax-free. Commissioners of the treasury, on receiving a proper certificate from the chief baron, etc. of the exchequer, may cause new orders to be made in lieu of such as shall be lost, burnt, etc. or defaced, or incumbered with assignments. Clause for preventing frauds relating to standing orders, etc. Offenders to suffer death as felons. No fee to be taken for receiving or paying contribution monies, or for any transfer, etc. Penalty on officers of the exchequer who shall demand any such fee, or misapply the monies, etc. Officers, in certain cases, not to incur any penalty for making wrong payments. If the fund to be established for payment of the annuities should prove insufficient, the deficiency to be supplied out of the sinking fund; which monies shall be replaced out of the next supplies. If the fund shall be more than sufficient to pay the annuities, the surplus to be reserved for the disposition of parliament. Managers and directors of the lottery to be appointed by the treasury. Method of the lottery books. Ticket. Managers to examine the books with the tickets, and deliver them to the cashiers of the bank, taking a receipt for the same. Cashiers to return the books, with the undisposed tickets, with an account of monies paid in. Undisposed tickets to be delivered into the exchequer. Tickets of the middle columns to be rolled up, and fastened with thread or silk; and cut off indentwise into a box marked with the letter (A). Box to be locked up, and sealed. Books to be prepared with two columns, on each of which 48,000 tickets are to be printed. The number and value of the fortunate tickets. 1000 l. to each first drawn ticket of the first 10 days, and 1000 l. to the last drawn. Tickets of the last-mentioned book to be rolled up and tied. Publick notice to be given of putting the tickets into the boxes. Lottery to begin drawing on Nov. 16, 1778. Method to be observed in drawing, etc. Number of the fortunate tickets, and the sums to be printed. Disputes to be adjusted by the managers. Penalty on forging tickets, &c. Felony. Offenders, not in prison, discovering persons guilty, to receive a pardon, and 50 l. reward. Proviso. Managers to be sworn. The oath. Cashier may receive the sums subscribed, before receiving the lottery book, giving a note for the same; which shall intitle the bearer to a ticket for every 10 l. so paid. Contributors not making good their payments within the times limited, forfeit their deposits with respect to the lottery; and the tickets for such sums to be delivered into the exchequer. Commissioners of the treasury may reward the managers, etc. as they shall think fit. Limitation of the sale of chances, &c. Penalty. Office-keepers, &c. selling shares in tickets of which they are not possessed, forfeit 500 l. and suffer 3 months imprisonment. After April 28, 1778, no person to keep a lottery-office without a licence. Each licence to cost 50 l. and shall be granted under the hands and seals of two managers. Licence to set forth the name of the person taking out the same, etc. and to continue in force for one year. Persons keeping any office contrary to this act, to forfeit 100 l. Produce of the duty on licences to be applied towards defraying the expences of the lottery. No person to sell any share of a ticket less than a sixteenth, on penalty of 50 l. Penalty on persons promising to pay any money upon any chance relating to the drawing of the lottery, contrary to this act. No business to be transacted at any lottery-office after eight in the evening. Exception. Two justices may summon offenders against this act, and, on proof of the offence, convict them in penalties, etc. If penalties are not immediately paid, they may be levied by distress. On failure of distress, offender to be committed. Any person forging a licence, shall forfeit 500 l. etc. Commissioners of the treasury to establish an office in London, and to appoint a person to conduct the business thereof; with whom all tickets, before they are divided into shares, shall be deposited. All shares to be stamped by the officer, who

Anno decimo octavo GEORGII III. C. 23, 24. [1778,

shall give a receipt for every ticket deposited with him. Form of receipt. All tickets deposited in the office, to remain there three days after drawing. The numbers of all tickets deposited in the office to be entered in a book, with the names of the owners, and the number of shares into which they are divided. 2d. for each share to be paid to the office, on depositing tickets in the office; who shall therewith pay all expenses incident to the office. Penalty on selling any share of a ticket without stamp. Application thereof. Penalty on forging or altering receipts, or uttering the same with a fraudulent intention. No person shall keep any office for the sale of tickets, etc. in Oxford or Cambridge, on penalty of 20l. Offenders may be prosecuted in the vice-chancellor's court. Forfeitures may be levied by distress, etc. Proceeding not to be removed by *Certiorari*, until sufficient surety is given to prosecute the same with effect, etc. This act not to prejudice the privileges and jurisdictions of the mayor, etc. of Oxford. Offences committed in Ireland against British acts for preventing unlawful lotteries, made punishable: Penalties may be sued for in Dublin. The 480,000l. for the payment of the fortunate tickets, to be charged on any supplies granted this session; and shall be paid to the proprietors, without any deduction, on March 1, 1779, etc. Managers to give notice of the times for exchanging tickets for certificates. Certificates to be numbered, etc. and signed, etc. No fee to be taken for receiving or paying the contribution monies, or for any receipts, etc. on penalty of 20l. General issue. Treble costs.

C A P. XXIII.

An act for appointing commissioners to put in execution an act of this session of parliament, intituled, *An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and seventy-eight*, together with those named in two former acts for appointing commissioners of the land tax.

C A P. XXIV.

An act for allowing the re-importation of unmanufactured tobacco from foreign parts, although the same may have been sold abroad; and the importation of tobacco the growth and produce of the island of Dominica, under certain regulations and restrictions.

Preamble.

WHEREAS tobacco, and other foreign goods, exported from Great Britain to Holland, and other foreign parts of Europe, are frequently returned from thence for want of a market abroad, and are permitted to be entered in this kingdom, at the same ports from whence they were so exported, upon the proprietors proving the identity of the goods so returned, and that the property has not been changed since the exportation thereof: and whereas it is expedient to permit, for a limited time, unmanufactured tobacco so exported to be returned into any port within this kingdom, although the same may have been sold abroad; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the thirteenth day of April, one thousand seven hundred and seventy-eight, and until the first day of March, one thousand seven hundred and seventy-nine, and from thence to the end of the then next session of parliament, any unmanufactured tobacco, which shall have been or may be exported from any port in Great Britain to any foreign parts in Europe, may be re-

Unmanufactured tobacco exported from Great Britain may be re-imported, during a limited time:

re-

re-imported and returned by any person or persons, in any ship or vessel, into any port in *Great Britain*, under the following restrictions, whether such tobacco hath been sold in foreign parts after the exportation thereof, or not, any law, custom, or usage to the contrary notwithstanding.

II. Provided nevertheless, and it is hereby enacted by the authority aforesaid, That such tobacco shall be returned in the original packages in which the same was exported from this kingdom, and in no other, having also the same marks and numbers as were set on them by the officers of his Majesty's customs at the time of their original importation into this kingdom, excepting only in such cases where, from length of time or reparation of casks, some part of the marks and numbers being obliterated, the remaining part shall be satisfactory to the commissioners or principal officers of his Majesty's customs of the ports to which such tobacco shall be returned; and the importer or owner of such tobacco shall make proof on oath, before the collector and comptroller, or other principal officer of his Majesty's customs, at the port where such tobacco shall be reimported, (which oath, they are hereby authorized to administer) that the tobacco so returned is, to the best of their knowledge and belief, *British* plantation tobacco, and was originally exported from this kingdom, having been bought for him or them, by his or their agents, as such; and such tobacco shall be liable to the same duties as would have been due for the same upon the first importation thereof into this kingdom; which duties shall not be afterwards drawn back or allowed upon the re-exportation of such tobacco to any parts beyond the seas, except to *Ireland*; and such tobacco shall, in all other respects not altered by this act, be subject to the same restrictions, rules, and regulations, penalties and forfeitures, as it would be subject and liable to if this act had not been made.

Such tobacco to be returned in the original packages, with the same marks and numbers, etc.

and the importer, etc. to make oath that it is *British* plantation tobacco, and was exported from this kingdom.

Duties to be paid for the same.

III. *And whereas, by an act made in the sixth year of the reign of his present Majesty, (intituled, An act for opening and establishing certain ports in the islands of Jamaica and Dominica, for the more free importation and exportation of certain goods and merchandizes; for granting certain duties to defray the expences of opening, maintaining, securing, and improving, such ports; for ascertaining the duties to be paid upon the importation of goods from the said island of Dominica into this kingdom; and for securing the duties upon goods imported from the said island into any other British colony,) it is amongst other things enacted, That all goods and commodities of American produce which shall be imported into Great Britain, (except such quantities of sugar and rum as shall be imported by certificate, as therein after is mentioned) shall be deemed and taken to be goods and commodities of the growth, produce, or manufacture of foreign colonies or plantations, and shall be liable to the same duties, regulations, and restrictions, penalties and forfeitures, in all respects as the like goods of the growth, produce or manufacture of any French colony or plantation would be liable to by law: and whereas, in order to encourage the growth of*

Preamble; reciting an Act 6 Geo 3.

tobacco

Tobacco the
product of
Dominica,
may be im-
ported into
Great Britain,
under such
restrictions as
sugar and rum
are allowed by
the above
recited act;
and shall be
liable to the
same duties,
etc. as tobacco
the growth of
the British
colonies in
America.

Certain tobac-
co lately im-
ported to be
included in
this act.

tobacco in the said island of Dominica, it is expedient to permit the importation of it from thence into this kingdom, under the like limitations and restrictions as sugar and rum may, by the said recited act, be imported from thence; be it therefore enacted by the authority aforesaid That, from and after the passing of this act, any tobacco, being the growth and product of the said island of Dominica, may be imported from thence into Great Britain, under certificate, in like manner, and under such regulations and restrictions, as sugar and rum, the growth and produce of the said island, are allowed, by the said recited act of the sixth year of his Majesty's reign, to be imported into Great Britain; and such tobacco shall be liable to the same duties, and in all other respects subject to the like rules, regulations, restrictions, securities, penalties, and forfeitures, and entitled to the same drawbacks and allowances, as tobacco, the growth and produce of the British colonies or plantations in America, are subject and liable to by law, any thing in the said recited act, or any other act, to the contrary notwithstanding.

IV. *And whereas a parcel of tobacco hath been lately imported into the port of London, from the said island of Dominica, and is now secured under the joint locks of his Majesty and the proprietor, in a warehouse in that port; and it is reasonable that the importer of such tobacco should receive the benefit intended by this act, be it therefore further enacted by the authority aforesaid, That it shall and may be lawful for the commissioners of his Majesty's customs, or any four of them, to order the said tobacco to be delivered to the importer thereof, upon payment of the like duties, under the like rules and regulations as tobacco of the growth of the British colonies or plantations in America is subject and liable to, provided it shall be made appear to them, by the oath of the importer or otherwise, to their satisfaction, that such tobacco was really and truly the growth and produce of the said island of Dominica.*

C A P. XXV.

An act for allowing corn, grain, and flour, imported into the ports of Portsmouth, Sandwich, Chichester, and Chester, to be landed without payment of the duties, under the like restrictions as corn, grain, and flour, is allowed to be landed at the several ports mentioned in an act, made in the thirteenth year of the reign of his present Majesty, intituled, An act to regulate the importation and exportation of corn.

Preamble;
reciting act
13 Geo. 3.

WH E R E A S by an act, made in the thirteenth year of the reign of his present Majesty, (intituled, An act to regulate the importation and exportation of corn) it is enacted, That in case any wheat, or wheat flour, rye, pease, beans, barley, beer, bigg, or oats, shall be imported into any or either of the ports in the said act particularly mentioned, at any time when the duties not repealed by the said act shall be due and payable for such species of corn, grain, or flour, respectively, the same, upon due entry thereof, may be forthwith landed from

from on board the ship or vessel in which such species of corn, grain, or flour, shall be so imported, in the presence of the proper officer or officers of the customs, without payment of the said duties, under certain restrictions and regulations in the said act mentioned and prescribed: And whereas it is expedient that corn, grain, and flour, imported into the ports of Portsmouth, Sandwich, Chichester, and Chester, at any time when the duties not repealed by the said act shall be due and payable for such species of corn, grain, or flour respectively, should in like manner be landed without payment of the said duties; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That in case any wheat or wheat flour, rye, pease, beans, barley, beer, bigg, or oats, shall be imported into the said ports of Portsmouth, Sandwich, Chichester, and Chester, at any time when the duties not repealed by the said act shall be due and payable for such species of corn, grain, or flour respectively, the same, upon due entry thereof, may be forthwith landed from on board the ship or vessel in which such species of corn, grain, or flour, shall be so imported, in the presence of the proper officer or officers of the customs, without payment of the said duties; and such corn, grain, and flour, shall be subject and liable to be warehoused, and to be delivered in the same manner, and under and subject to the like securities, conditions, regulations, and restrictions, as corn, grain, and flour, imported into any or either of the several ports mentioned in the said act, are subject and liable to, as fully and effectually, to all intents and purposes, as if the said ports of Portsmouth, Sandwich, Chichester, and Chester, had been included in the said act, any law, custom, or usage, to the contrary thereof in anywise notwithstanding.

Wheat, flour, etc. imported at Portsmouth, Sandwich, Chichester, or Chester, at any time when the duties not repealed by the recited act are due, may, on due entry thereof, be landed, without payment of the said duties, etc.

C A P. XXVI.

An act for granting to his Majesty certain duties upon all inhabited houses within the kingdom of Great Britain.

Most gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, towards raising the necessary supplies, which we have freely granted to your Majesty in this session of parliament, have resolved to give and grant to your Majesty the several new rates and duties herein after mentioned; and do therefore most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of July, one thousand seven hundred and seventy-eight, the several duties upon houses with their appurtenances herein-after mentioned, shall be charged, raised, levied, and paid unto his Majesty, his heirs and successors,

Preamble.

After July 5, 1778, the following new duties to be paid by the occupiers of

by

houses in
Great Britain;
viz. for all
houses worth
5 l. a year
and under
50 l. 6 d in
the pound;
and for all
worth 50 l. a
year and up-
wards, 1 s. in
the pound.

The new du-
ties to be paid
over and above
those charged
on houses by
the act
6 Geo. 3.

The duties,
in England
and Wales, to
be paid quar-
terly;

and in Scot-
land half-
yearly.

The duties to
be charged on
the occupiers,
and not on the
landlords.

Warehouses,
etc. not liable
to the new
duty;

poor poor per-
sons who are

by the occupiers thereof respectively; (that is to say,) Upon and for every dwelling-house inhabited, together with the household offices therewith occupied, which now are, or shall hereafter be, erected within the kingdom of *Great Britain*, and which are, or for the time being shall be, worth the yearly rent of five pounds and upwards, and under the yearly rent of fifty pounds, the yearly sum of sixpence in the pound; and upon and for every dwelling-house inhabited, together with the household offices therewith occupied, which now are, or hereafter shall be, erected within the kingdom of *Great Britain*, and which are, or for the time being shall be, worth the yearly rent of fifty pounds and upwards, the yearly sum of one shilling in the pound, to be estimated and ascertained in manner herein-after expressed.

II. Provided nevertheless, and it is the true intent and meaning of this act, that the said several yearly sums of sixpence and one shilling in the pound, hereby respectively charged as aforesaid, shall be paid over and above, and in addition to, the respective duties charged upon houses, by virtue of an act, made in the sixth year of the reign of his present Majesty, intituled, *An act for repealing the several duties upon houses, windows, and lights; and for granting to his Majesty other duties upon houses, windows, and lights.*

III. And be it further enacted by the authority aforesaid, That the said several duties by this act granted as aforesaid, shall, in that part of *Great Britain* called *England*, and in *Wales*, be paid quarterly, on the four most usual days of payment in the year; (that is to say,) the fifth day of *January*, the fifth day of *April*, the fifth day of *July*, and the tenth day of *October*, in every year, by equal portions; the first payment thereupon to be made on the tenth day of *October* next: and in that part of *Great Britain* called *Scotland*, on or before the twenty-ninth day of *September* yearly, for the half year betwixt *Whitsunday* and *Martinmas-day*; and on or before the twenty-fifth day of *March* yearly, for the half year betwixt *Martinmas-day* and *Whitsunday*.

IV. And be it further enacted by the authority aforesaid, That the said duties granted by this act, as aforesaid, shall be charged only upon the inhabitants or occupiers for the time being of the houses or tenements hereby charged, his, her, or their respective executors or administrators, and not on the landlord or landlords who let or demised the same.

V. And whereas several manufactures, trades, occupations, and callings, necessarily require warehouses and buildings requisite for carrying them on, by reason whereof the persons concerned therein are obliged to pay large rents, or have laid out considerable sums thereon, and it may be a great hardship upon such persons to be rated to the full extent of their respective rents, or of the value of the premises abovementioned; be it further enacted and declared, That such premises shall not be liable to the duty imposed by this act, but the assessment shall be made on the dwelling-house only, with the household offices belonging to it.

VI. Provided always, and it is hereby enacted by the authority

rity aforesaid, That no duty shall be imposed, assessed, or levied, by virtue of this act, for or in respect of any dwelling-house, cottage, or tenement, whereof the occupier or occupiers, by reason of his, her, or their poverty only, is or are exempted from the actual payment of usual taxes, assessments, and contributions, towards the church and poor.

not rated to church and poor.

VII. And be it further enacted by the authority aforesaid, That the duties by this act imposed as aforesaid shall be assessed, raised, levied, collected, and received, by persons to be appointed by the same authority, and shall be paid into his Majesty's exchequer for the purposes in this act expressed, in such and the like form and manner, and with such allowances, and under such penalties, forfeitures, and disabilities, and according to such rules, methods, and directions, as are prescribed or appointed for assessing, raising, levying, collecting, receiving, and paying, the duties on houses and windows or lights, in and by an act, made in the twentieth year of the reign of his late Majesty, intituled, *An act for repealing the several rates and duties upon houses, windows, and lights; and for granting to his Majesty other rates and duties upon houses, windows, or lights; and for raising the sum of four millions four hundred thousand pounds by annuities, to be charged on the said rates or duties; and by another act, made in the twentieth year of the reign of his said late Majesty, intituled, An act to enforce the execution of an act of this session of parliament, for granting to his Majesty several rates and duties upon houses, windows, or lights; and by an act, made in the twenty-first year of his said late Majesty's reign, intituled, An act for explaining, amending, and further enforcing the execution of an act, passed in the last session of parliament, intituled, An act for repealing the several rates and duties upon houses, windows, and lights; and for granting to his Majesty other rates and duties upon houses, windows, or lights; and for raising the sum of four millions four hundred thousand pounds by annuities, to be charged on the said rates or duties; and by an act, made in the twenty-sixth year of the reign of his said late Majesty, intituled, An act for the more effectual levying of the duties upon windows or lights, in that part of Great Britain called Scotland; and by an act, made in the thirty-first year of the reign of his said late Majesty, intituled, An act for granting to his Majesty several rates and duties upon offices and pensions; and upon houses; and upon windows or lights; and for raising the sum of five millions by annuities, and a lottery, to be charged on the said rates and duties; and by an act, made in the second year of the reign of his present Majesty, intituled, An act for granting to his Majesty several rates and duties upon windows or lights; and by the said herein-before mentioned act, made in the sixth year of the reign of his present Majesty, or by any of them, so far as the same now remain in force, or are not altered by this act; and that all and every the powers, authorities, rules, directions, penalties, forfeitures, clauses, matters, and things now in force, contained in the said several acts, or any of them, for the assessing, raising, levying, collecting, and paying, the rates and*

How the duties granted by this act shall be assessed and collected, etc.

20 Geo. 2.
Cap. 3.

Cap. 42.

21 Geo. 2.
Cap. 10.

26 Geo. 2.
Cap. 17.

31 Geo. 2.
Cap. 22.

2 Geo. 3.
Cap. 3.

and duties thereby granted, shall be in full force, and be duly observed, practised, and put in execution, throughout the whole kingdom of *Great Britain*, for the assessing, raising, levying, collecting, and paying, the several duties upon houses or tenements by this act granted, as fully and effectually, to all intents and purposes, as the same are or may be, for the assessing, raising, levying, collecting, and charging, the rates and duties granted by the aforesaid acts, or any of them, so far as the said powers, authorities, rules, and penalties, are applicable hereunto, and not altered by this act; and that all monies arising by the said duties granted by this act (the necessary charges of raising and accounting for the same excepted) shall, from time to time, be paid into the receipt of his Majesty's exchequer at *Westminster*.

The duties granted by this act to be applied towards payment of the annuities granted by the lottery act of this session.

VIII. And be it further enacted by the authority aforesaid, That in the office of the auditor of the said receipt shall be provided and kept a book or books, in which all the monies arising by the said rates and duties, and paid into the said receipt of the exchequer as aforesaid, shall be entered separate and apart from all other monies paid and payable to his Majesty, his heirs and successors, upon any account whatsoever; and the said monies, so paid into the said receipt of exchequer, shall, together with the additional duties on wines and vinegar, granted by an act of this present session of parliament, intituled, *An act for granting to his Majesty several additional duties upon wines and vinegar imported into this kingdom*, be a fund for the payment of the several annuities, and all such other charges and expences, as are directed to be paid in pursuance of an act of this present session of parliament, intituled, *An act for raising a certain sum of money by way of annuities, and for establishing a lottery*; and the same shall not be issued or applied to any other use, intent, or purpose whatsoever.

The assessors to be allowed 3d. for each house for the first assessment

IX. And be it further enacted by the authority aforesaid, That, for and in consideration of the extraordinary care and pains requisite in making and adjusting the first assessment to be made in carrying this act into execution, the assessor or assessors shall have an allowance for such first assessment of three-pence for each house assessed by him, her, or them respectively; to be had and received from the respective receivers-general, their deputy or deputies, who are hereby appointed and directed to pay the same accordingly, and who shall be allowed the same in passing their accounts.

Commissioners for executing the before mentioned acts to execute this act

X. And be it further enacted by the authority aforesaid, That, for the better execution of this act, and for the ordering, raising, levying, collecting, and paying the duties hereby granted, the commissioners authorised or appointed, or who shall be hereafter authorised or appointed, for putting in execution the said herein before mentioned acts, or any of them, shall be commissioners for putting in execution this present act, and the powers therein contained, in all and every the respective counties, shires, stewartries, ridings, cities, boroughs, cinque ports, towns, and places respectively within *Great Britain*; and that the said commissioners,

missioners, in order to the speedy execution of this act, shall, in their respective counties, shires, stewartries, ridings, cities, boroughs, cinque ports, towns, and places, for which they are or shall be appointed commissioners respectively, meet, on or before the thirtieth day of *April*, one thousand seven hundred and seventy-eight, and shall in like manner meet yearly, and every year, at such day or time as the said commissioners for the time being shall think proper to appoint, before the thirtieth day of *April* yearly, and shall then divide themselves to act in separate districts, and proceed in the execution of this present act, for assessing, raising, levying, and collecting the duties hereby granted as aforesaid, in such and the same manner, and under the same regulations and directions, as are prescribed by the said before-mentioned acts, or any of them, with respect to the rates and duties thereby imposed (except in such cases in which an alteration is made by this act.)

and for that purpose to meet on or before April 30, 1778,

and before April 30, yearly thereafter.

XI. Provided always, and be it further enacted, That if by any neglect or default there shall not have been a meeting of the said commissioners, and a due execution of the several powers hereby created, within or at the time or times, or according to the manner or circumstances directed or prescribed in and by this present act, it shall and may be lawful for the said commissioners, or any two or more of them, in all and every the respective counties, shires, stewartries, ridings, cities, boroughs, cinque ports, and towns, in *Great Britain* respectively, wherein such default shall have happened, to meet and execute the said powers at any other time or times, any thing herein-before contained to the contrary notwithstanding; and they are hereby authorised and required forthwith, or as soon as may be after the time or times at which such meetings should have been held, and such powers should have been executed, according to the directions of this present act, to meet and execute the same, so as that the said rates and duties be duly and effectually charged, raised, levied, collected, and paid to his Majesty, his heirs and successors, for the uses in this act, notwithstanding any such omission or defect; and all such meetings and acts of the said commissioners, or any two or more of them, shall be deemed, and are hereby declared to be good and valid to all intents and purposes, notwithstanding any such omission or defect as aforesaid.

In case there shall not be a meeting of the commissioners within the time limited by this act,

they are required to meet as soon as may be thereafter, and to put this act in execution.

XII. And it is hereby also enacted, That the said commissioners shall cause notice to be inserted, in the precepts to be from time to time directed by them to the inhabitants of the parishes or places within their respective districts or divisions whom they shall think fit to be presentors or assessors under the said before mentioned acts, or any of them, that such persons are also appointed assessors of the duties upon houses or tenements granted by this act.

Notice to be inserted in the commissioners precepts that the assessors under the before mentioned acts, are appointed assessors under this act.

XIII. And, for the more effectual levying and collecting the duty imposed by this act in that part of *Great Britain* called *Scotland*, be it enacted and declared, That in case at any time the com-

If the commissioners of supply in

Scotland shall neglect to appoint assessors, etc. the surveyors appointed under any of the recited acts may do the assessors duty ;

and shall be intitled to the same reward.

Assessors to be sworn.

missioners of supply in that part of the kingdom shall neglect to appoint assessors, or in case the assessors by them appointed shall neglect to perform what is required of them by this act, that then, or in such case, it shall and may be lawful to and for the surveyor or surveyors, appointed under the authority of any the before-recited acts, to do and perform such and the like services as are by this or any former act required from the said assessors.

XIV. And it is hereby further declared, That when the surveyors act in the capacity of assessors, they shall be intitled to the same reward as is provided for the assessors in this act, for the assessment made in the present year.

XV. And be it further enacted by the authority aforesaid, That every person to be appointed assessor as aforesaid shall, before he presumes to act in the execution of the said office or employment, take (besides the oaths required to be taken by assessors by the aforesaid acts, or any of them) an oath, or, being one of the people called *Quakers*, make and subscribe the solemn affirmation, in the following form :

The oath.

I A. B. do swear, (or affirm, as the case may require) *That, in the assessment which I shall make of the houses and household offices within the district or parish for which I am appointed an assessor, I will rate each at the true annual value, according to the best of my judgement and skill ; and that I will truly and faithfully execute the trusts reposed in me, by virtue of an act of the eighteenth year of his present Majesty, for imposing a new duty on all houses of five pounds a year, and upwards.*

So help me GOD.

Which oath or affirmation any two or more of the commissioners in the county, shire, stewartry, city, or place, where the said assessment is said to be made, are hereby impowered and required to administer.

Assessor acting before he is sworn, shall forfeit 20l.

Application of the penalties.

XVI. And be it further enacted, That if any person to be appointed assessor, shall presume to act in the execution of the said office or employment, before he shall have taken the aforesaid oath, (except such person shall be a quaker, and shall have made such affirmation as aforesaid,) he shall forfeit and pay, for every such offence, the sum of twenty pounds; to be recovered in any court of record, by action of debt, bill, plaint, or information, wherein no essoin, protection, or wager of law, nor more than one imparlance, shall be allowed; and that the forfeitures or penalties so to be incurred (all necessary charges for the recovery thereof being first deducted) shall be distributed, one moiety thereof to and for the use of his Majesty, his heirs and successors, and the other moiety to him or her who shall inform or sue for the same.

Assessors to ascertain, annually, the full yearly rent of all

XVII. And be it further enacted by the authority aforesaid, That such persons, to be appointed assessors as aforesaid, do and shall, before the tenth day of *September* in the present year, and in all future years before the twenty-fourth day of *June*, estimate

mate and ascertain, according to the best of their skill and judgment, the full and just yearly rent, which every such dwelling-house, with the household offices therewith occupied and hereby charged as aforesaid, within the limits and places for which they are to act, is really and *bona fide* worth to be let; and do and shall make an assessment in writing of six-pence in the pound, according to such estimate or valuation, upon the occupier or occupiers of every such dwelling-house, together with other the premises as aforesaid therewith occupied, of the yearly value of five pounds and upwards, and under the yearly rent of fifty pounds, in respect thereof; and of one shilling in the pound, according to such estimate or valuation, upon the occupier or occupiers of every such dwelling-house, together with other the premises as aforesaid therewith occupied, of the yearly value of fifty pounds and upwards, in respect thereof: and do and shall, by writing under their respective hands, certify the number of houses, and other the premises together with each of such houses occupied respectively, charged by this act, within the limits of such places as aforesaid, together with the rents estimated and ascertained as aforesaid for or in respect of the same respectively; and the names of the several occupiers or inhabitants thereof respectively; and the several sums of money charged on and payable by them, for or in respect of the same, by virtue of this act; and likewise do and shall, on or before the tenth day of *September* in the present year, and in all future years on or before the twenty-fourth day of *June* in every year, deliver the certificates or assessments, to be made by them respectively as aforesaid, unto the said commissioners, or any two or more of them.

XVIII. And be it further enacted by the authority aforesaid, That the said commissioners, to whom such assessments shall be delivered in pursuance of this act, or any two of them, shall, within the space of one calendar month next after the receipt of the same respectively, or as soon after as conveniently may be, set their hands to the said respective assessments, and to such surcharge or surcharges as shall or may have been made in the mean time, either by the same assessors, or by such surveyor or surveyors as is or are herein-after mentioned, testifying their allowance of the same; and shall likewise nominate and appoint two of the persons named in each of such assessments to be collectors, or any other two such persons as they shall think able and responsible, for the respective divisions and places for which they shall be so presented, and shall forthwith deliver, or cause to be delivered, such assessments so by them allowed of, unto the respective persons by them nominated to be collectors for each year respectively, who are hereby enjoined and required to collect and pay the duties hereby assessed, and to give acquittances for the same; for whose paying unto the receiver-general now appointed, or for the time being to be appointed by his Majesty, or by the commissioners of the treasury, or any three or more of them now being, or the high treasurer or the commissioners of the treasury for the time being, in manner hereby directed, such

occupied houses within their districts, and to assess them accordingly:

All those of 5 l. a year and under 50 l. at 6 d. in the pound;

and all those of 50 l. a year and upwards, at 1 s. in the pound.

Assessors to certify to the commissioners the number of houses, with the Names of the occupiers, and the sums charged on them, etc.

Commissioners to sign the assessments,

and to appoint two collectors for each division,

to whom the said assessments shall be delivered, etc.

money as they shall be charged withal, the parish or place for which they are so employed shall be answerable.

Dispositions for appointing assessors, etc. in privileged places.

XIX. And be it further enacted, That in all privileged and other places being extraparochial, and not within the constablewicks or precincts of the respective assessors to be appointed by virtue of this act, the said commissioners, or any three or more of them, shall, and they are hereby required to nominate and appoint two fit persons living in or near the said privileged or other places as aforesaid, to be assessors for the said places, and to make and return their said assessments in like manner as by this act is appointed in any parish, tything, or place; and also to appoint two or more collectors, who are hereby required to collect and pay the same according to the rates appointed by this act for collecting and paying all sums of money payable by this act.

Commissioners required to peruse the certificates, etc. which shall be delivered to them, and to examine the assessors, etc.

and if they suspect that any house is omitted or undercharged, they may summon the occupier to appear before them.

How commissioners are to act if the persons summoned do not appear, etc.

XX. And be it further enacted by the authority aforesaid, That the said commissioners, or any three or more of them, shall, and they are hereby authorised and required strictly to peruse the certificates or assessments, which by this act are before directed to be annually delivered to them, and also to examine the assessors and presentors thereof; and if the said commissioners, or any three of them, within their several limits or divisions, shall, at the time of the delivery of such certificates or assessments, or within ten days after, have certain knowledge or cause to suspect that any house, or other premises as aforesaid therewith occupied, which ought to be charged by this act, is or are omitted in such certificates; or that any house, or other such premises, is or are undercharged, or not duly charged according to the directions of this act; the said commissioners, or any three or more of them, shall have power to summon the person or persons occupying such house or tenement to appear before them at a day and place to be prefixed, of which three days notice at least shall be given; and if any person or persons summoned shall neglect to appear, the said commissioners may proceed to amend such assessments, and to charge such occupier with such rate as shall appear reasonable from the evidence before them; and moreover the said commissioners to whom such certificates or assessments shall be delivered, or any three of them, or any other three commissioners of the respective counties, shires, or stewartries, where such assessments shall be made, shall have power, and are hereby required by all lawful ways and means, to examine and enquire into and concerning the annual value of any house, and other such premises as aforesaid therewith occupied, charged in or by any such assessment, or which shall have been omitted to be charged therein, and thereupon to enlarge, alter, abate, or diminish, the said assessments, so to be delivered to such commissioners, to the end that such duty may be set and imposed upon every such house or tenement according to the true intent and meaning of this act; and the said commissioners, or any three or more of them, shall, after such perusal and examination thereof, set their hands to the said

said respective assessments, and to such surcharge or surcharges as shall or may have been made thereto in the mean time, testifying their allowance of the same.

XXI. And be it further enacted by the authority aforesaid, That the said commissioners, or any two or more of them, shall, from time to time yearly, cause true duplicates of such assessments as aforesaid to be made out, delivered, and transmitted, in such and the same manner, and at like times, as is directed by the aforesaid acts, or any of them, with respect to the duplicates of the assessments therein mentioned.

Duplicates of the assessments to be made out, etc.

XXII. Provided always, That in the said duplicates to be transmitted to the receivers-general, and to the King's remembrancer, the number of houses shall be inserted, as well as the amount of the duties, in order to ascertain the money which the receivers-general are directed by this act to pay to the assessors for the first year's assessment, at three pence each house, and for the information of the proper officers who are to allow the same in the receiver's accounts.

which shall contain the number of houses, and the amount of the duties.

XXIII. And be it further enacted by the authority aforesaid, That all and every surveyor and surveyors appointed and to be appointed, under or by virtue of the said several acts hereinbefore mentioned, or any of them, for the rates and duties thereby imposed, shall be, and he and they is and are hereby empowered to inspect, examine, and supervise, the assessments to be made in or for any such parish or place as aforesaid, before the commissioners shall have signed and allowed the same, and to alter and amend any such assessment or assessments, if he or they shall see just cause for so doing; and every person, in whose custody any such certificate or assessment shall be, is hereby required, upon the request of any such surveyor or surveyors as aforesaid, to produce the same: and if any such surveyor or surveyors shall, after any such assessment or assessments shall be so respectively made out, signed, and allowed as aforesaid, find or discover, upon his or their survey, that any houses, and other premises as aforesaid therewith respectively occupied, which should and ought to be charged with the duties hereby granted, shall have been omitted to be charged therewith, or shall have been under-rated, such surveyor or surveyors shall certify the same in writing, under his or their hand or hands, by way of surcharge, to any two or more of the said commissioners, on or before the sixteenth day of *November* next, for the first quarterly payment, which shall be due on the tenth day of *October* next, and thenceforward, and in every future year, at the same times they make their surcharges for the duties on houses and windows, in order to have such omission or under-rate rectified in the said assessment; and the said commissioners are thereupon to cause the same to be rectified, and the duties levied accordingly.

Surveyors may supervise the assessments, and amend them, before they are signed by the commissioners:

And if they discover any omissions after the assessments are signed, they are to certify the same to the commissioners, etc.

XXIV. And be it further enacted and declared, That if any surveyor or surveyors shall omit to make a surcharge or surcharges for the first half year, it shall and may be lawful for the said surveyor

If any surcharge is omitted the first half year,

it may be made for the whole year.

Any house inhabited by different families, to pay the duties as if inhabited by one family.

Provido, relating to colleges, etc.

Each apartment in the inns of court to be deemed an entire house.

Where infants are chargeable with the duties, they are to be paid by their parents or guardians.

His Majesty, and the royal family, not liable to pay the duties;

nor foreign ministers.

Commissioners, surveyors, etc. may inspect, or take copies of, parish rates, etc.

veyor or surveyors to make a surcharge or surcharges for the whole year.

XXV. And be it further enacted and declared, That where any house shall be divided into different stories, tenements, lands, or landings, and shall be inhabited by two or more persons or families, the same shall nevertheless be subject to, and shall in like manner pay, the duties granted by this act, as if such house or tenement was inhabited by one person or family only.

XXVI. Provided always, That each district, chamber, or apartment, in any college or hall in any of the universities of *Great Britain*, shall be subject to the duties granted by this act, as if the same were an entire house.

XXVII. And be it likewise enacted and declared by the authority aforesaid, That every chamber or apartment, in any of the inns of court or chancery, being severally in the tenure or occupation of any person or persons, shall be subject to the duties granted by this act, as if the same were an entire house.

XXVIII. And be it further enacted by the authority aforesaid, That where any person or persons chargeable with the duties hereby granted as aforesaid, or either of them, shall be under the age of twenty-one years, in every such case the parents, guardians, and tutors, of such infants respectively, upon default of payment by such infants, shall be, and are hereby made liable to, and charged with, the payments which such infants ought to have made; and if such parents, guardians, or tutors, shall neglect to refuse to pay as aforesaid, it shall and may be lawful to proceed against them in like manner as against any other person or persons making default of payment as herein-before is mentioned: and all parents, guardians, and tutors, making payment as aforesaid, shall be allowed all and every sum and sums paid for such infants, in his, her, or their accounts.

XXIX. Provided nevertheless, That this act, or any thing herein contained, shall not extend, or be construed to extend, to charge with the duties hereby granted as aforesaid, or either of them, any house, or other such premises as aforesaid therewith occupied, in the possession or occupation of his Majesty, or any of the royal family; or to subject or charge any ambassador or foreign minister residing in the kingdom of *Great Britain*, to or with the payment of the said duties, or either of them.

XXX. And, for the better information of the commissioners appointed to carry this act into execution, and the surveyors, and the persons to be appointed assessors as aforesaid, with respect to the annual rent or value of all houses or tenements charged by this act, and the better to enable them to perform their duty, be it further enacted by the authority aforesaid, That the said commissioners, or any two of them, and the said surveyors and assessors, or any one or more of them, or any person or persons authorised by them, or any of them, shall have liberty to inspect, and to take copies of, or extracts from, any book or books kept by any parish officer or officers,

officers, or other person or persons, of or concerning the rates payable to the poor, or any other publick taxes, rates, or assessments, in any part of *Great Britain* within the limits for which they shall be appointed: and if any person or persons, in whose custody or power any of the said books shall be, shall refuse or neglect to permit the said inspection, or the copies or extracts to be made as aforesaid, or to attend the said commissioners with their books, when required so to do, then, and in every such case, every person who shall so refuse or neglect shall, for every such offence, forfeit and pay the sum of forty shillings.

Penalty on persons possessed of such rates, who shall refuse such inspection, etc.

XXXI. And be it further enacted by the authority aforesaid, That no dwelling-house, or other such premises as aforesaid therewith occupied, chargeable by this act as aforesaid, shall be estimated or rated at any less value yearly than that at which the same stands legally rated and assessed to the publick rates, taxes, and assessments, or any of them now subsisting, where such premises are charged by a pound rate, and according to the full annual value thereof respectively; and when such premises as aforesaid are charged by a pound rate, according to any proportionate part of the real annual value thereof respectively, the same shall not be estimated or rated, for the purposes of this act, at less than the full annual value, upon which such proportions have been computed and taken as aforesaid.

All houses to be charged according to the full annual value,

notwithstanding they may be otherwise charged in former rates.

XXXII. Provided always, and it is hereby further enacted and declared, That no farm-house shall be assessed or rated as aforesaid for the purpose of raising the duty herein mentioned,

Farm-houses not to be rated.

XXXIII. And, for the better understanding what is hereby meant as a farm-house, it is further declared, That all houses *bona fide* used or occupied for the purposes of husbandry only, shall be deemed and taken to be farm-houses, and no other.

What shall be deemed a farm-house.

XXXIV. Provided always, That no such farm-house, which shall be occupied by the owner thereof, shall be intitled to such exemption, which shall be valued under this act at more than ten pounds *per annum*, distinct from the land therewith occupied.

Certain farm-houses liable to be rated.

XXXV. Provided always, and be it further enacted by the authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to charge or make liable any hospital, or house provided for the reception and relief of poor persons, to the payment of the rate or duty to be laid by virtue of this act.

Hospitals, etc. not to be rated.

XXXVI. And be it further enacted by the authority aforesaid, That no occupier or occupiers of any dwelling-house or houses, in any parish or place, shall be charged or assessed to the poor's rate or highway duty for or in respect of any rates or duties imposed and made payable by this act; but that such owners and occupiers shall continue to be rated and assessed to the poor's rate and highway duty in such manner as they were rated and assessed to the said rates and highway duty respectively at the time of the passing of this act; any thing herein contained to the contrary notwithstanding.

Occupiers of houses not to be assessed to the poor's rate or highway duty, for any rates imposed by this act.

XXXVII. And be it further enacted by the authority aforesaid, Payment of said, the rates not

to intitle any person to a settlement.

said, That the payment of any of the rates and duties granted by this act by any occupier or occupiers of any dwelling-house or houses in any parish or place, shall not intitle the person or persons, so paying such rates or duties, to a legal settlement in such parish or place.

What houses shall be deemed habitable.

XXXVIII. And be it further enacted and declared, That no houses shall, within the intention of this act, be deemed or taken to be inhabited houses, except the same shall be inhabited by the owner, or by a tenant renting the same.

Persons over-rated may appeal to the commissioners.

XXXIX. And be it further enacted by the authority aforesaid, That if any person or persons shall think himself, herself, or themselves respectively overcharged or over-rated, by any assessment, charge, or surcharge, to be made by virtue or in pursuance of this act, it shall be lawful for him, her, or them respectively, to appeal to the said commissioners; and that the said commissioners, or any three or more of them, shall, and they are hereby required to hear and determine all such appeals; and that all such appeals for the first quarter shall be heard and determined between the tenth day of *December*, one thousand seven hundred and seventy-eight, and the fourth day of *January*, one thousand seven hundred and seventy-nine; and all future appeals on the days appointed, and in the manner directed, in the several acts herein-before mentioned with respect to the rates and duties thereby granted.

When appeals shall be heard.

Commissioners, on hearing of appeals, not to make any abatement in the assessment, etc. unless proof be made on oath, that the appellant is over-rated.

XL. And be it further enacted by the authority aforesaid, That the said commissioners, or any of them, shall not, upon the hearing of any appeal, make any abatement or defalcation in the charge or surcharge made upon any person by such assessment as aforesaid, or the surcharge of any such surveyor or surveyors as aforesaid; but the same shall stand good, and remain part of the annual assessment, unless it shall then appear to the said commissioners, by examination of the circumstances of the case upon oath, that such person hath been overrated in and by such assessment or surcharge; in which cases the said commissioners are hereby authorized and impowered, upon every such appeal, to abate or diminish any such assessment to be made as aforesaid, in such manner as they shall think proper, and agreeable to the true intent and meaning of this act: and every person intending to appeal to the said commissioners shall, and is hereby required to give, at the least, ten days notice thereof to any assessor or assessors, surveyor or surveyors, of the parish or place wherein such person is assessed, of such intention to appeal, and such assessor or assessors, surveyor or surveyors, may then and there attend to justify the said assessment and surcharge; and such assessor and assessors, surveyor and surveyors, and appellant, shall have full and free liberty to be present during all the time of hearing such appeals, and of the said commissioners determining the same.

Persons intending to appeal, are to give 10 days notice to the assessors, etc.

Determination of the commissioners to be final:

XLI. And be it further enacted by the authority aforesaid, That all appeals once heard and determined by the said commissioners, or any three or more of them, or the major part of them

them then present on the day or days by them appointed for hearing of appeals, shall be final, except as is herein-after directed. except, etc.

XLII. And be it further enacted by the authority aforesaid, That if any such assessor or assessors, surveyor or surveyors, or the persons so appealing in that part of *Great Britain* called *England*, or in *Wales*, or in *Berwick upon Tweed*, shall apprehend the determination made by the said commissioners to be contrary to the true intent and meaning of this act, and shall then declare himself or herself dissatisfied with such determination, it shall and may be lawful to and for such assessor or assessors, surveyor or surveyors, or appellant respectively, to require the said commissioners to state specially, and to sign the case upon which the question arose, together with their determination thereupon; which case the said commissioners, or the major part of them then present, are hereby required to state and sign accordingly, and to cause the same to be delivered to the party making such request as aforesaid, to be by him or her transmitted to one of the justices of the court of *King's bench* or *common pleas*, or to one of the barons of the court of *exchequer* for the time being; and every such justice and baron is hereby required, with all convenient speed, to return an answer to such case so transmitted, with his opinion thereupon subscribed thereto; according to which opinion so certified, the assessment which shall have been the cause of such appeal shall be altered or confirmed: and that if such assessor or assessors, surveyor or surveyors, or the person so appealing, in that part of *Great Britain* called *Scotland*, shall apprehend the determination made by the said commissioners to be contrary to the true intent and meaning of this act, and shall then declare himself or herself dissatisfied with such determination, it shall and may be lawful to and for such surveyor or person dissatisfied respectively, to require the said commissioners, or the major part of them then present, to state specially and sign the case upon which the question arose, together with their determination thereupon; which case the said commissioners are hereby required to state and sign accordingly, and to cause the same to be delivered to the party making such request as aforesaid, to be by him or her transmitted to one of the judges of the court of session, or of the barons of the *exchequer* in *Scotland*; and every such judge and baron is hereby required, with all convenient speed, to return an answer to such case so transmitted, with his opinion thereupon subscribed thereto; according to which opinion so certified, the assessment which shall have been the cause of such appeal shall be altered or confirmed: provided always, That notwithstanding any such case so transmitted to any of the said justices, judges, or barons, the determination of the said commissioners shall stand with respect to the payments which shall become due precedent to the opinion certified by any such justice, judge, or baron, upon such case. Persons dissatisfied with the determination of the commissioners may, in England or Wales, appeal to one of the justices of the court of King's Bench, etc. and in Scotland to one of the judges of the court of session, or barons of exchequer there.

XLIII. Provided also, and be it further enacted, That No stay of
D 4 of prosecution to

be admitted in any suit for recovery of penalties inflicted by this act.

Constables, headboroughs, etc. to assist in the execution of this act.

Persons sued for executing this act, may plead the general issue,

and recover treble costs.

of prosecution, upon any command, warrant, motion, or order, or direction by *non vult ulterius prosequi*, shall be had, made, admitted, received, or allowed, by any court whatsoever, in any suit or proceeding, by action of debt, bill, plaint, or information, or otherwise, for the recovery of all or any of the pains, penalties, or forfeitures, upon any person or persons by this act inflicted or therein mentioned, for or in order to the conviction or disability of any person offending against this act.

XLIV. Provided always, and be it enacted, That all constables and headboroughs, tithingmen, and other his Majesty's officers, shall, and are hereby required and enjoined to be respectively aiding and assisting in the execution of this act, and to obey and execute such precepts or warrants as shall be to them directed in that behalf, by the respective commissioners hereby appointed, or any three or more of them.

XLV. And be it further enacted by the authority aforesaid, That if any person or persons shall at any time or times be sued, molested, or prosecuted, for any thing by him or them done or executed in pursuance of this act, or of any clause, matter, or thing herein contained, such person or persons shall and may plead the general issue, and give the special matter in evidence, for his or their defence; and if, upon the trial, a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall discontinue an action, or suffer a nonpros, or shall become nonsuited, then such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs.

C A P. XXVII.

An act for granting to his Majesty several additional duties upon wines and vinegar imported into this kingdom.

Most gracious Sovereign,

Preamble.

WE, your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, towards raising, by the most easy means, the necessary supplies to defray your Majesty's publick expences, have freely and voluntarily resolved to give and grant unto your Majesty the several rates, duties, and impositions, hereinafter mentioned; and do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the twentieth day of April, one thousand seven hundred and seventy-eight, over and above all subsidies of tonage and poundage, and all other subsidies, additional duties, and impositions whatsoever, due or payable for all wines and vinegar imported into Great Britain, by any act or acts of parliament now in force, there shall be raised, levied, collected, and paid unto his Majesty, his heirs and successors (before landing thereof,) the additional

After April 20, 1778, the following additional duties to be paid on importation of wines and vinegar into Great Britain:

tions, rates, or duties following, without any discount or de-

deduction inwards whatsoever, or any drawback upon re-exportation afterwards, except as herein-after is provided; that is to say, for every ton of *French* wine and *French* vinegar, which shall be imported into this kingdom, the sum of eight pounds and eight shillings; and so after that rate for any greater or lesser quantity; and also for every ton of all other wines and vinegar imported into this kingdom, the sum of four pounds and four shillings; and so after that rate for any greater or lesser quantity; the same to be raised, levied, collected, paid, and recovered, in such manner and form, and by such ways, means, and methods, and under such penalties and forfeitures (except as to discounts and drawbacks aforesaid,) as are mentioned and expressed in the act of parliament made and passed in the first year of the reign of his late majesty King *James* the second, (intituled, *An act for granting his Majesty an imposition upon all wines and vinegar imported between the twenty-fourth day of June, one thousand six hundred and eighty five, and the twenty-fourth day of June, one thousand six hundred and ninety-three,*) or in any other act or acts of parliament, by which the said impositions, rates, and duties, upon all wines and vinegar imported, were continued and made perpetual; and all powers, penalties, forfeitures, provisions, articles, and clauses, therein contained, not anyways altered by this act, shall continue in full force and effect during the continuance of the said impositions, rates, and duties, hereby granted, and shall be applied, practised, and executed, for the raising, levying, collecting, securing, answering, and paying, the said impositions, rates, and duties, according to the true intent and meaning of this act, as fully and effectually, to all intents and purposes, as if the said clauses, matters, and things, had been again repeated and re-enacted in the body of this present act, any law, custom, or usage, to the contrary in anywise notwithstanding.

II. Provided always, That nothing in this act contained shall extend, or be construed to extend, to lay any further duties upon wines damaged, corrupt, or unmerchantable, and for which the merchants or importers thereof shall refuse to pay or secure the duties; and which by an act, passed in the twelfth year of the reign of his late majesty King *George* the first, (intituled, *An act for the improvement of his Majesty's revenues of customs, excise, and inland duties,*) are, on such refusal, directed to be received into the custody of proper officers of the customs, to be publicly sold, in order to be distilled into brandy, or to be made into vinegar.

III. And it is hereby enacted by the authority aforesaid, That the said impositions, rates, and duties, by this act granted, shall, from time to time, be under the management and direction of the respective commissioners of his Majesty's customs, and their officers for the time being, and shall be paid into the hands of the receiver-general of the customs in *England* for the time being; and such receiver-general shall weekly, to wit, on *Wednesday* in every week, if it be not an holy-day, and if it be, then on the next day after that is not an holy-day, answer and pay all

viz. for every ton of *French* wine or vinegar, 8l. 8s.

and for every ton of all other wines and vinegar, 4l. 4s.

to be levied, recovered, etc., as expressed in Act 1 Jac. 2.

or in any other acts by which the said duties are continued and made perpetual.

This act not to extend to damaged or unmerchantable wines.

The duties to be under the management of the commissioners of the customs,

and to be paid weekly into the exchequer.

the

the monies arising by the said additional impositions, rates, and duties, (the necessary charges of raising, collecting, and answering the same, only excepted,) into the receipt of his Majesty's exchequer, distinct and apart from all other monies which such receiver-general shall receive for the use of his Majesty, his heirs and successors, for the uses and purposes in this act mentioned.

A book to be kept in the auditor's office, in which shall be entered all the monies arising from the new duties ; which monies shall be applied towards payment of the annuities granted by the lottery act of this session.

IV. And be it further enacted by the authority aforesaid, That there shall be provided and kept, in the office of the auditor of the said receipt of exchequer, a book or books, in which all the monies arising from the said several rates and duties, and paid into the said receipt as aforesaid, shall be entered separate and apart from all other monies paid and payable to his Majesty, his heirs and successors, upon any account whatsoever ; and the said money, so paid into the said receipt of exchequer as aforesaid, shall, together with such other rates, duties, and revenues, as shall be granted by any act or acts of this session of parliament for this purpose, be a fund for the payment of the several annuities, and all such other charges and expences as are directed to be paid and payable pursuant to an act of this present session of parliament, (intituled, *An act for raising a certain sum of money by way of annuities, and for establishing a lottery.*)

Drawback of part of the duties to be allowed on exportation of any wine (except French wines) to the British colonies in America.

V. Provided always, and it is hereby further enacted by the authority aforesaid, That, upon the exportation of any sort of wine (except *French* wines) from this kingdom, to any *British* colony or plantation in *America*, as merchandize, the exporter shall be paid and allowed a drawback of all the before-mentioned duties paid upon the importation of such wine by virtue of this act, except the sum of three pounds, thirteen shillings, and sixpence *per* ton ; which drawback or allowance shall be made in such manner, and under such rules, regulations, penalties, and forfeitures, in all respects, as any former drawback or allowance, payable out of the duties of customs upon the exportation of such wine, was, could, or might be made before the passing of this act.

After Sept. 29, 1778, no Spanish, Portuguese, or French wines, shall be imported into Great Britain in any cask less than a hoghead.

VI. And, for the better preventing the clandestine importation of wines in small casks, and landing the same in this kingdom without payment of duties, be it further enacted by the authority aforesaid, That, from and after the twenty-ninth day of September, one thousand seven hundred and seventy-eight, no wines of the growth or produce of any part of the dominions belonging to the crowns of *Spain* or *Portugal*, and that no *French* wines, shall be imported or brought into *Great Britain* in any smaller vessel or cask than what is commonly called an *hoghead*, in which such wines have been usually imported, upon forfeiture of all such wines as shall be imported contrary to this act, together with the casks and other package containing the same, (except as herein-after is provided ;) and the same shall and may be seized by any officer or officers of his Majesty's customs, and prosecuted in any court of record at *Westminster*, or in the court of *exchequer* at *Edinburgh* respectively ; one moiety of which forfeiture (after deducting the charges of condemnation and sale of such wines) shall

shall be to the use of his Majesty, his heirs and successors, and the other moiety to such officer or officers of the customs as shall seize and prosecute such wine.

VII. Provided always, and it is hereby further enacted by the authority aforesaid, That any *French* wines may be imported in bottles, or that any wines may be imported in smaller casks than is herein-before limited, without fraud or concealment, for private use, and not by way of merchandize; any thing in this act, or any other law, custom, or usage, to the contrary notwithstanding.

Exception in favour of wines imported for private use.

C A P. XXVIII.

An act for repealing so much of an act, made in the thirteenth year of his present Majesty's reign, intituled, An act to explain, amend, and reduce into one act of parliament, the general laws now in being for regulating the turnpike roads in that part of Great Britain called England, and for other purposes; as is to subject carriages, having the fellies of the wheels thereof of less breadth or gauge than six inches, to the payment of double tolls; and for vacating contracts for leasing tolls.

WHEREAS by an act, made in the thirteenth year of his present Majesty's reign, intituled, An act to explain, amend, and reduce ~~into~~ one act of parliament, the general laws now in being for regulating the turnpike roads in that part of Great Britain called England, and for other purposes; it was enacted, That, from and after the twenty-ninth day of September, one thousand seven hundred and seventy-six, a double toll should be paid for the passage through turnpike gates of all carriages having the fellies of the wheels thereof of less breadth or gauge than six inches from side to side; and for the horses, or beasts of draught, drawing the same: and whereas, by an act passed in the sixteenth year of the reign of his present Majesty, the said double toll was suspended until the twenty-ninth day of September, one thousand seven hundred and seventy-eight: and whereas great inconveniences will arise if the said provision be suffered to take place; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That so much of the said act, made in the thirteenth year of his present Majesty's reign, as enacted, That the trustees appointed by virtue, or under the authority, of any act of parliament made for repairing or amending turnpike roads, or such person or persons as they should authorize, should and might, and were thereby required to demand and take, for every waggon, wain, cart, or carriage, having the fellies of the wheels thereof of less breadth or gauge than six inches from side to side, at the least, at the bottom or sole thereof, and for the horses, or beasts of draught, drawing the same, from and after the twenty-ninth day of September, one thousand seven hundred and seventy-six, double the tolls or duties which

Preamble.

The general turnpike act 13 Geo. 3. recited.

So much of the recited act repealed as orders a double toll to be paid for all carriages whose wheels are of less breadth than six inches.

were

were or should be payable for the same respectively by any act or acts of parliament made for amending or repairing turnpike roads, before any such waggon, wain, cart, or carriage respectively, shall be permitted to pass through any turnpike gate or gates, bar or bars, where tolls should be payable by virtue of any such acts; and which, by an act made in the sixteenth year of the reign of his present Majesty, was suspended until the twenty-ninth day of *September*, one thousand seven hundred and seventy-eight; shall be, and the same is hereby declared to be repealed.

Trustees may release all lessees of tolls from their contracts at Michaelmas next.

II. Provided always, and be it further enacted by the authority aforesaid, That it shall and may be lawful for such trustees, and they are hereby required, to release all lessees of tolls, within their respective jurisdictions, from their respective contracts at *Michaelmas* next; provided forty days notice shall have been given in writing, by any such lessee or lessees, to the treasurer or clerk of any such trustees respectively.

C A P. XXIX.

An act for empowering the commissioners and governors of the royal hospital for seamen at Greenwich, in the county of Kent, to exchange certain messuages, lands, tenements, tithes, and hereditaments, belonging to them in the parishes of Alnwick, Embleton, and Warkworth, in the county of Northumberland, for other lands belonging to the most noble Hugh Duke of Northumberland, in some one or more of the open common fields at Corbridge, in the said county; and to empower the said commissioners and governors to grant leases, in manner therein mentioned.

Preamble.

Recital of an act 22 Geo. 2

his Majesty's charter, dated Dec. 6, 1775

act 16 Geo. 3;

WHEREAS by an act of parliament, made and passed in the twenty-second year of the reign of his late majesty King George the Second, intituled, An act for vesting the several estates of James late Earl of Derwentwater and Charles Ratcliffe, deceased, comprized in several settlements therein mentioned, in trustees for an absolute estate of inheritance for the benefit of the royal hospital at Greenwich; and for raising certain sums of money out of part of the said estates for the relief of the children of the said Charles Ratcliffe; several baronies, manors, messuages, lands, tenements, tithes, and hereditaments (having been the estate of the said James late earl of Derwentwater and Charles Ratcliffe, and having become forfeited to his Majesty by virtue of the several attainders of the said James earl of Derwentwater and Charles Ratcliffe,) were by the said act divested out of the crown, and vested in trustees for the use and benefit of the said royal hospital: and whereas, by virtue of his Majesty's royal charter, bearing date the sixth day of December, one thousand seven hundred and seventy-five, under the great seal of Great Britain, certain persons therein named were incorporated by the name of the commissioners and governors of the royal hospital for seamen at Greenwich, in the county of Kent: and whereas by an act of parliament, passed in the sixteenth year of the reign of his present Majesty, intituled, An act for vesting certain estates, now held in trust

trust for the benefit of the royal hospital for seamen at Greenwich, in the commissioners and governors of the said hospital, incorporated by his Majesty's letters patent, *after reciting several letters patent, and the act of parliament of the twenty-second year of the reign of his late Majesty, herein-before recited, it was enacted, That all and every the barony, manor, messuages, lands, tenements, tithes, and hereditaments, and light-house duties, with their several rights, members, and appurtenances, thencefore given, granted, devised, settled upon, or vested in, or conveyed, or limited, or demised, or assigned to, any person or persons whomsoever, in trust for, or for the use or benefit of, the said hospital, or given, granted, or devised, to the said hospital, by any gift, grant, letters patent, will, letters of administration, act of parliament, indentures, deed poll, or other deed in writing, or otherwise howsoever, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, should, from and after the first day of May, one thousand seven hundred and seventy-six, be divested out of all and every such person and persons, his, her, and their heirs, executors, and administrators, and the same should be, and should be deemed to be, and they were accordingly from thenceforth settled upon and vested in the said corporation, being the commissioners and governors of the royal hospital for seamen at Greenwich, in the county of Kent, their successors and assigns, to the use of the said commissioners and governors of the said royal hospital, their successors and assigns, for ever, freed and absolutely discharged of and from all such right, title, interest, claim, and demand, as any person or persons whatsoever had, or might or could have, in or to the said barony, manors, messuages, lands, tenements, tithes, and hereditaments, and light-house duties, or in or to any part or parcel thereof, upon any account howsoever, save as therein mentioned: and whereas the several messuages, lands, tenements, tithes, and hereditaments, herein-after particularly mentioned, being part of the said estate so vested in the said commissioners and governors, and situate in the parishes of Alnwick, Embleton, and Warkworth, in the county of Northumberland, are inconveniently situated with respect to the other estates of and belonging to the said royal hospital; but the situation thereof is very commodious to the estates of his grace the duke of Northumberland: and whereas his grace the duke of Northumberland is owner of certain lands in the open common fields situate and being at Corbridge, in the said county of Northumberland, which lie very commodious to the estates of and belonging to the said hospital: and whereas the said duke of Northumberland, being desirous to exchange a part of his said lands lying in the said open common fields at Corbridge aforesaid, for the said messuages, lands, tenements, tithes, and hereditaments, belonging to the said commissioners and governors, in the said parishes of Alnwick, Embleton, and Warkworth, a treaty hath been thereupon had, when it appeared manifestly for the benefit, advantage, and convenience of the said royal hospital that such exchange should take place and be completed: and whereas by an act of parliament, made and passed in the eighth year of the reign of his late Majesty, intituled, An act for the application of the rents and profits of the estates forfeited by the attainders of James earl of Per-*

and
Act 8 Geo. 3.

wentwater

wentwater and Charles Ratcliffe, it was enacted, That the said commissioners and governors should give publick notice in the London Gazette of the time and place when and where the said estates were intended to be let, six months at least before the expiration of the term for which the said estates were then or should thereafter be let: and whereas there are many mines and minerals in and under the said estates, the value of which would be greatly reduced and diminished, if they were to be let by publick advertisement: and whereas there are also lands so connected with several of the said mines and minerals, that it would be inconvenient to have them in the possession of tenants not occupying such mines and minerals, which may frequently happen, unless the said commissioners and governors are impowered to let the said mines and minerals, and the lands connected therewith, without advertisement; but as the said mines and minerals, and the lands so connected therewith, cannot be let without advertising the same, nor can the said exchange so proposed to be made with his grace the duke of Northumberland be carried into execution, without the authority of parliament; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the said commissioners and governors of the said royal hospital, and they are hereby authorised and impowered to exchange to and with the said duke of Northumberland, for and in lieu of certain lands and grounds of and belonging to the said duke of Northumberland in the open common fields at Corbridge aforesaid, the several messuages, lands, tenements, tithes, and hereditaments, hereafter particularly mentioned; that is to say, one messuage or tenement, with the appurtenances, situate in Alnwick, in the said county of Northumberland, with a garth or garden to the same belonging or appertaining, bounding on the east upon the King's high street or road, and on the south upon a street called Bailly or Bailiff Gate, on the west by a messuage and buildings belonging to Mary Davidson spinster, and on the north by lands belonging to the said Mary Davidson and the said duke of Northumberland; two parcels of ground, with the appurtenances called Ratcliffe's Closes, situate near the said town of Alnwick, bounded on the south and east by lands belonging to the said duke of Northumberland, on the north by lands belonging to Michael Doubleday esquire, and on the west by the King's high road; a parcel of ground, with the appurtenances, called Barbara's Bank, situate near the town of Alnwick aforesaid, bounded on the east by waste ground belonging to the said duke of Northumberland, on the west and north by lands belonging to the said Michael Doubleday, and on the south by the river Alne, or by other the right metes and bounds; one other parcel of ground, with the appurtenances, situate near the town of Alnwick, being part and parcel of a close or parcel of land called the Gose Close, and bounded on all sides by the lands of the said duke of Northumberland, and which said messuage or tenement, garth, garden,

The Governors of Greenwich hospital impowered to exchange certain lands, tithes, etc. for other lands, belonging to the duke of Northumberland.

den, and several parcels of grounds, with the appurtenances, are situate, lying, and being in the parish of *Alnwick*, in the said county of *Northumberland*, and contain together by estimation nineteen acres, two roods, and twenty-seven perches, be the same more or less; the tithes of corn and grain, and the tithes of hay yearly coming, growing, and renewing, within the stead fields of *Broxfield*, called or known by the name of *the Forefields*, in the parish of *Embleton*, in the said county of *Northumberland*; and the tithes of hay yearly coming, growing, and renewing, in *Le Stank*, and the meadow thereunto adjoining, called or known by the name of *Ginfield*, otherwise *Gynfen Meadow*, in the parish of *Alnwick*, in the said county of *Northumberland*, (all which said tithes were formerly belonging to the monastery of *Alnwick* aforesaid;) and a messuage, burgage-house, or tenement, and garth, with the appurtenances, and half an acre of ground, more or less, in a field called *the Hather Leazes*, situate at *Warkworth*, in the parish of *Warkworth*, in the said county of *Northumberland*.

II. And be it further enacted, That all and every the said messuages, lands, tenements, tithes, and hereditaments, so to be exchanged with the said duke of *Northumberland* as aforesaid, shall be and enure to, for, upon, and subject to such and the same uses, estates, trusts, powers, provisos, declarations, restrictions, and limitations, as are now subsisting of and concerning the estates of the late duke of *Somerset*, in the said parishes of *Alnwick* and *Warkworth* respectively, freed and discharged, and absolutely acquitted, exempted, and exonerated of, from, and against, all the uses, estates, titles, trusts, powers, provisos, and limitations, expressed and declared in any act or acts of parliament heretofore made concerning any estates vested in trustees for the use of the said hospital, or in the said commissioners and governors of the royal hospital for seamen at *Greenwich*, in the county of *Kent*.

The said lands, tithes, etc. to be freed from all trusts and limitations expressed in former acts of parliament relating to the said hospital.

III. And be it further enacted by the authority aforesaid, That all and every the lands and grounds at or in the parish of *Corbridge* aforesaid, to be exchanged with the said commissioners and governors of the said royal hospital, for and in lieu of the several messuages, lands, tenements, tithes, and hereditaments, in *Alnwick*, *Embleton*, and *Warkworth* aforesaid, shall be vested in the corporation being the commissioners and governors of the royal hospital for seamen at *Greenwich*, in the county of *Kent*, their successors and assigns, to the use of them the said commissioners and governors of the said royal hospital, and their successors and assigns for ever, freed and discharged, and absolutely acquitted, exempted, and exonerated, of, from, and against all and every the uses, estates, titles, trusts, powers, provisos, and limitations, in and by any will, deed, or settlement, by which the same is or are now held or enjoyed, or now or at any time heretofore hath or have been made, created, or declared of and concerning the same; but nevertheless to, for, upon, and subject to such and the same trusts, limitations, and uses, as are by any act or acts of parliament or otherwise limited, expressed, and declared,

Other lands to be given in exchange, and to be vested in the commissioners and governors, etc

clared, of and concerning the several estates of the said *James* late earl of *Derwentwater* and *Charles Ratcliffe*, which are now vested in the commissioners and governors of the said royal hospital.

and to be held
of the duke of
Northumber-
land as of his
manor of
Corbridge.

IV. Provided always, and it is hereby further declared and enacted, That the lands and grounds at or in the parish of *Corbridge* aforesaid, so to be exchanged with the said commissioners and governors of the said royal hospital, shall, from and after such exchange, be held of the said duke of *Northumberland*, as of his manor of *Corbridge*, by the like tenure, and under and subject to the like (but not to any increase) quit-rents, or free rents and services, as such of the said several messuages, lands, tenements, tithes, and hereditaments, in *Alnwick*, *Embleton*, and *Warkworth* aforesaid, so to be given in exchange as aforesaid, as are lying within and held of the respective manors of *Alnwick* and *Warkworth*, are now respectively held by and subject to.

Commissioners
impowered to
let leases,
without adver-
tising the same.

V. And be it further enacted by the authority aforesaid, That, from and after the passing of this act, it shall and may be lawful to and for the said commissioners and governors of the said royal hospital, and their successors, from time to time, when and so often as they shall think proper and expedient, to make, grant, and execute leases or demises of any mines or minerals within or under any of the lands or grounds vested in them, and also of any such of the said lands or grounds as they shall deem necessary and proper to be demised, together with such mines or minerals, for any term of years, not exceeding twenty-one years, and from time to time to grant renewals of such leases or demises, without advertising the letting of such mines or minerals, or the lands so thought proper or intended to be let therewith; provided that no such renewals do exceed the term of twenty-one years from the time of making thereof, and that such rents, duties, terms, and conditions, shall be reserved, made payable, and agreed upon, as the said commissioners and governors, and their successors, shall in their judgements from time to time think most likely to increase the revenue of the said royal hospital; any law, custom, or usage, to the contrary in any-wise notwithstanding.

Expences of
this act how
to be paid.

VI. And be it further enacted by the authority aforesaid, That the costs and charges of this act shall be paid in the manner following; that is to say, one half thereof (except such as shall be due and payable to the solicitor and agents of the said commissioners and governors for his and their trouble and expences) shall be borne and paid by the said duke of *Northumberland*, and the other half thereof, together with such as shall be so due and payable to the said solicitor and agents, shall be borne and paid by the said commissioners and governors of the said royal hospital.

Publick act.

VII. And be it further enacted by the authority aforesaid, That this act shall be, and the same is hereby declared to be, a publick act; and all judges, justices, and others, are hereby required to take notice thereof as such without specially pleading the same.

VIII. Saving always to the King's most excellent majesty, his heirs and successors, and all and every other person and persons, body or bodies politick or corporate, his, her, and their heirs, successors, executors, and administrators, (other than the said commissioners and governors of the said royal hospital), all such estate, right, title, and interest, as he, she, or they had or enjoyed of, in, to, or out of the said messuages, lands, tenements, tithes, and hereditaments, so to be exchanged with the said duke of *Northumberland* as aforesaid, before the passing of this act, or could, might, or ought to have had or enjoyed in case this act had not been made.

General saving.

C A P. XXX.

An act for the more effectually levying of the duty upon servants in that part of Great Britain called Scotland.

WHEREAS by an act of parliament, made in the seventeenth year of his present Majesty's reign, intituled, An act for granting to his Majesty a duty upon all servants retained or employed in the several capacities therein mentioned; and for repealing several rates and duties upon glass, imposed by an act made in the nineteenth year of the reign of his late Majesty, and for granting to his Majesty other rates and duties upon glass in lieu thereof, and for the better collecting the duties upon glass; and for repealing the several rates and duties charged, by an act made in the twenty-ninth year of the reign of his said late Majesty, upon all persons and bodies politick and corporate having certain quantities of silver plate; it was enacted, That, from and after the fifth day of July, one thousand seven hundred and seventy-seven, there should be charged, raised, levied, and paid unto his Majesty, his heirs and successors, after the rate of twenty-one shillings per annum for every male servant, within the kingdom of Great Britain, who should then have been, or should afterwards be retained or employed in the several capacities in the said act mentioned: and whereas it was by the said act enacted, That the duty by the said act imposed upon servants should be assessed, raised, levied, collected, and received, by such persons, and should be paid into his Majesty's exchequer for the purposes in the said act expressed, in such and the like form and manner, and with such allowances, and under such penalties, forfeitures, and disabilities, and according to such rules, methods, and directions, as are prescribed or appointed for assessing, raising, levying, collecting, receiving, and paying, the duties on houses, windows, or lights, in and by an act, made in the twentieth year of the reign of his late Majesty, intituled, An act for repealing the several rates and duties upon houses, windows, and lights; and for granting to his Majesty other rates and duties upon houses, windows, or lights; and for raising the sum of four millions four hundred thousand pounds by annuities, to be charged on the said rates or duties; and in and by another act, made in the twentieth year of his said late Majesty, intituled, An act to enforce the execution of

Preamble.

Recital of

17 Geo. 3. c. 39.

20 Geo. 2. c. 3.

Cap. 42.

- an act of this session of parliament, for granting to his Majesty several rates and duties upon houses, windows, or lights; and in and by an act, made in the twenty-first year of his said late Majesty's reign, intituled, An act for explaining, amending, and further enforcing the execution of an act, passed in the last session of parliament, intituled, *An act for repealing the several rates and duties upon houses, windows, and lights; and for granting to his Majesty other rates and duties upon houses, windows, or lights; and for raising the sum of four millions four hundred thousand pounds by annuities, to be charged on the said rates or duties; and in and by an act, made in the thirty-first year of the reign of his said late Majesty,*
- 21 Geo. 2. c. 10. *intituled, An act for granting to his Majesty several rates and duties upon offices and pensions; and upon houses; and upon windows or lights; and for raising the sum of five millions by annuities, and a lottery, to be charged on the said rates and duties; and by an act, made in the second year of the reign of his present Majesty, intituled, An act for granting to his Majesty several rates and duties upon windows, or lights; and by an act, made in the sixth year of the reign of his said present Majesty, intituled, An*
- 31 Geo. 2. c. 22 *act for repealing the several duties upon houses, windows, and lights; and for granting to his Majesty other duties upon houses, windows, and lights; or by any of them; and that all and every the powers, authorities, rules, directions, penalties, forfeitures, clauses, matters, and things, then in force, contained in the said several acts, or any of them, for the assessing, raising, levying, collecting, and paying, the rates and duties thereby granted, should be in full force, and be truly observed, practised, and put in execution, throughout the whole kingdom of Great Britain, for the assessing, raising, levying, collecting, and paying the duties upon servants, by the said act of the seventeenth year of his present Majesty granted, as fully and effectually, to all intents and purposes, as the same were for the assessing, raising, levying, collecting, and charging, the rates and duties granted by the aforesaid acts, or any of them, so far as the said powers, authorities, rules, and penalties, are applicable therunto, and not altered by the said act of the seventeenth year of his present Majesty; and that all monies arising by the said duty granted by the said last-mentioned act (the necessary charges for raising and accounting for the same excepted) should, from time to time, be paid into the receipt of his Majesty's exchequer at Westminster, distinctly and apart from all other branches of the publick revenue, and should be carried to, and made part of, the fund commonly called The Sinking Fund: and whereas, by one other act of parliament, made in the twenty-sixth year of his said late Majesty's reign, intituled, An act for the more effectual levying the duties upon windows or lights, in that part of Great Britain called Scotland, after reciting as therein is recited, it was enacted, That the duties and rates, by the acts therein mentioned, imposed upon windows or lights, in that part of Great Britain called Scotland, should, from and after the fifteenth day of May, one thousand seven hundred and fifty-three, be raised, levied, and collected, in manner therein mentioned: and whereas it is apprehended that the several provisions, made in and by the said act of the twenty-sixth year of his late Majesty, for*
- 2 Geo. 3. c. 8. *raising,*
- 6 Geo. 3. c. 38.
- and 26 Geo. 2. c. 17.
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*raising, levying, and collecting, the several duties or rates upon houses, windows, or lights, in that part of Great Britain called Scotland, should be enforced with regard to the raising, levying, and collecting, the rates and duties upon servants, in and by the said act of the seventeenth year of his present Majesty, to be raised, collected, and levied; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the duty imposed, by the said act of the seventeenth of his present Majesty, upon servants, in that part of Great Britain called Scotland, shall be assessed, raised, levied, collected, and received, in that part of this kingdom called Scotland, by such persons, and shall be paid into his Majesty's exchequer for the purposes in the said act expressed, in such and the like form and manner, and with such allowances, and under such penalties, forfeitures, and disabilities, and according to such rules, methods, and directions, as are prescribed or appointed for assessing, raising, levying, collecting, receiving, and paying, the duties on houses, windows, or lights, in that part of Great Britain called Scotland, in and by the said act, made in the twenty-sixth year of the reign of his said late Majesty; and that all and every the powers, authorities, rules, directions, penalties, forfeitures, clauses, matters, and things, now in force, contained in the said act of the twenty-sixth year of his late Majesty's reign, for the assessing, raising, levying, collecting, and paying, the rates and duties therein mentioned, shall be in full force, and be duly observed, practised, and put in execution, in that part of this kingdom called Scotland, for the assessing, raising, levying, collecting, and paying, the duties upon servants, by the said act, of the seventeenth of his present Majesty, granted, as fully and effectually, to all intents and purposes, as the same is or may be for the assessing, raising, levying, collecting, and charging, the rates and duties upon houses, windows, or lights, in the said act of the twenty-sixth of his said late Majesty mentioned, so far as the said powers and authorities, rules and penalties, are applicable thereunto, and not altered by the said act of the seventeenth year of his said present Majesty; and that all monies, arising by the said duty granted by the said last mentioned act (the necessary charges of raising and accounting for the same excepted,) shall, from time to time, be paid into the receipt of his Majesty's exchequer at Westminster, distinctly and apart from all other branches of the publick revenues, and shall be carried to, and be made part of, the fund commonly called *The Sinking Fund*.*

II. *And, to the end that no doubts may arise touching the execution of the said act of the seventeenth year of his present Majesty, be it further enacted by the authority aforesaid, That in case, at any time hereafter, the commissioners appointed to put the said act in execution, in that part of Great Britain called Scotland, shall neglect to appoint assessors, or in case the assessors by them appointed shall fail or neglect to give or leave such notice or warning, in writing, to or for the master or mistress of every servant*

The duty imposed on servants, in Scotland, by 17 Geo. 3. c. 39. shall be assessed, collected, etc. by such persons, and paid into the exchequer under the like penalties, etc. as are appointed for collecting and paying the duties on houses and windows, by act 26 Geo. 2.

If commissioners neglect to appoint assessors, or assessors fail giving proper notices to masters, etc.

the surveyors
under act
26 Geo. 2. to
give the said
notices.

on whom a duty is imposed by the said act; that then, and in such case, it shall and may be lawful to and for the surveyor or surveyors, appointed or to be appointed by virtue of the said act of the twenty-sixth year of his late Majesty, within fourteen days after the time prescribed by law for the annual appointment of the assessors, to give or leave notice or warning, in writing, to or for the master or mistress of every servant on whom a duty is imposed by this act, within the limits of the places for which such surveyors are to act, at his or her dwelling-house, to prepare and produce, within the space of fourteen days then next ensuing, a list, in writing, of his or her servants retained or employed within the said district, describing the number by him or her retained or employed, the christian and surname of each servant, and the office or capacity in or for which each servant is retained or employed; every such list to contain the greatest number of servants at any one time retained and employed, in the course of the year ending on the twenty-fifth day of *March* in each preceding year; and that every such master or mistress do and shall, after such notice so given or left, make out a list of his or her servants accordingly, and sign the same with his or her own hand, and deliver the same, or cause the same to be delivered, to such surveyor or surveyors: and in case any such master or mistress shall neglect or refuse to make out, sign, and deliver such list, within the time before mentioned, then such surveyor or surveyors shall, from the best information he or they can obtain, make an assessment upon such master or mistress so refusing or neglecting, for or in respect of the number of servants so retained or employed by such master or mistress, distinguishing them by their christian and surname, and their respective employments; and every such assessment so made upon any such neglect or refusal, shall be final and conclusive upon such master or mistress, who shall not be at liberty to appeal therefrom, unless such master or mistress shall prove that he or she were not at their respective dwelling-houses at the time of the delivery of such respective notices, nor between that day and the time limited for their delivering their respective lists to the surveyors; or unless such master or mistress shall alledge and prove such other excuse for not having delivered their lists, as the commissioners in their judgement shall think reasonable and sufficient.

How surveyors
to proceed in
case masters,
etc. neglect to
make out
and deliver
proper lists of
their servants.

The duty to
be paid half-
yearly.

III. And be it further enacted and declared, That, in that part of *Great Britain* called *Scotland*, every person charged with the duty granted by the said act, made in the seventeenth year of the reign of his present Majesty, shall, by themselves or others for their behoof, pay in the duty with which they are charged, on or before the twenty-ninth day of *September*, yearly, for the half year betwixt *Whitsunday* and *Martinmas-day*; and on or before the twenty-fifth day of *March*, yearly, for the half year betwixt *Martinmas* and *Whitsunday*.

C A P. XXXI.

An act for enabling his Majesty to settle on their royal highnesses the princes Frederick bishop of Osnaburgh, William Henry, Edward, Ernest Augustus, Augustus Frederick, and Adolphus Frederick, an annuity of sixty thousand pounds per annum; and also to settle on their royal highnesses the princesses Charlotte Augusta Matilda, Augusta Sophia, Elizabeth, Mary, and Sophia, one other annuity of thirty thousand pounds per annum; and also to settle on his highness prince William Frederick one other annuity of eight thousand pounds per annum, and on her highness the princess Sophia Matilda one other annuity of four thousand pounds per annum.

Most gracious Sovereign,

WHEREAS your Majesty hath been pleased to recommend to Preamble.
the consideration of your faithful commons, that a competent provision should be made for your Majesty's six younger sons, and also for your Majesty's daughters, to take effect after the demise of your Majesty, (whom God long preserve); and also for the son and daughter of your Majesty's dearly beloved brother the duke of Gloucester, to take effect after the decease of the said duke of Gloucester: and whereas by an act, made in the first year of the reign of her late majesty Queen Anne, intituled, An act for the better support of her Majesty's household, and of the honour and dignity of the crown, 1 Ann. stat. 1.
to the end that the land revenues of the crown might be preserved, c. 7.
improved, and increased, to the best advantage thereof, it was among other things enacted and declared, That all and every grant, lease, or other assurance, which, from and after the twenty-fifth day of March, one thousand seven hundred and two, should be made or granted, in manner therein mentioned, of any the manors, messuages, lands, tenements, and hereditaments, therein specified, other than such grants, leases, and assurances, as are therein excepted, should be utterly void and of no effect; and by another act, made in the ninth year of her said late Majesty's reign, intituled, An act for establishing a general post-office for all her Majesty's dominions; and for settling a weekly sum out of the revenues thereof, for the service of the war, and other her Majesty's occasions; to the intent that the inheritance of such part of the duties and revenues arising in and by the general letter-office or post-office, which was thereby vested in her said late Majesty, her heirs and successors, undeterminable, as therein mentioned, might be preserved in the crown for the future benefit thereof, 9 Ann. c. 10.
it was (among other things) enacted and declared, That the same, or any part thereof, should not be alienable, chargeable, or grantable by her Majesty, her heirs or successors, for any estate, term, or time whatsoever, to endure longer than the life of her Majesty, or of such King or Queen as should make such alienation, charge, or grant respectively; and that all gifts, grants, alienations, or assurances whatsoever, to be had or made of, or charged upon, the same duties or revenues, or any part thereof, contrary to the provisions of that act, should

2 Geo. 3. c. 1. *be null and void: and whereas by an act, made in the first year of your Majesty's reign, intituled, An act for the support of his Majesty's household, and of the honour and dignity of the crown of Great Britain, the duties and revenues commonly called The Hereditary Revenues, together with several temporary duties and revenues thereby continued, and all other branches and revenues which, on the twenty fourth day of October, one thousand seven hundred and sixty, stood settled or appointed to go and be paid towards the support of the household of his late majesty King George the Second, of blessed memory, and the honour and dignity of the crown, and certain other small branches of your Majesty's revenues therein also expressed, (except as therein excepted,) were, during your Majesty's life, carried into and made part of the general or aggregate fund, established by an act made in the first year of the reign of his late majesty King George the First: and whereas by another act, made in the fifth year of your Majesty's reign, intituled, An act to alter certain rates of postage; and to amend, explain, and enlarge, several provisions in an act made in the ninth year of the reign of Queen Anne, and in other acts relating to the revenue of the post-office; it was enacted, That all the monies arising by the rates therein before-mentioned (except as is therein excepted) should be appropriated and applied to such and the same uses to which the then rates of postage were respectively by law appropriated and made applicable: now we, your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, having taken into consideration the present state of your Royal family, more numerous in its branches than these kingdoms have had the happiness of seeing in any former reign; and thinking it highly just and reasonable that your Majesty should be enabled to make provision for their honourable support and maintenance; do therefore most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the King's most excellent majesty, by any letters patent, or by several letters patents, under the great seal of Great Britain, hereafter to be made, to give and grant unto their royal highnesses prince Frederick bishop of Osnaburgh, prince William Henry, prince Edward, prince Ernest Augustus, prince Augustus Frederick, and prince Adolphus Frederick, and to the survivors and survivor of them, or to such other person or persons as his Majesty shall think fit to be named in such letters patent, and his or their heirs, during the lives of their said royal highnesses, and the life of the survivor of them in trust for their said royal highnesses, and the survivors or survivor of them, one annuity or yearly sum of money, not exceeding the sum of sixty thousand pounds of lawful money of Great Britain by the year, to commence and take effect from the day of the demise of his Majesty, (whom God long preserve), and to be paid and payable, by even and equal portions, on the four most usual days of payment in the year; (that is to say,) The fifth day of January, the fifth day of April, the fifth*

and 5 Geo. 3.
c. 25.

His Majesty
impowered to
settle on his
six younger
sons an an-
nuity of
60,000l. per
annum, to
commence
from the de-
mise of his
Majesty;

fifth day of *July*, and the tenth day of *October*; the first payment thereof to be made on such of the said days which shall next happen after the demise of his said Majesty; and that such annuity, or yearly sum of money as aforesaid, shall or may, by such letters patent as aforesaid, be given and granted to issue, and shall accordingly issue and be payable out of, and be charged and chargeable upon, all or any part or parts of such of the hereditary duties, revenues, and branches, as were by the said act, made in the first year of his present Majesty's reign, intituled, *An act for the support of his Majesty's household, and of the honour and dignity of the crown of Great Britain*, carried to, and made part of, the said general or aggregate fund, and shall be then subsisting; and out of and upon such part of the rates of postage granted by the said act, made in the fifth year of the reign of his present Majesty, intituled, *An act to alter certain rates of postage; and to amend, explain, and enlarge, several provisions in an act made in the ninth year of the reign of Queen Anne, and in other acts relating to the revenue of the post-office*, as shall then belong to, and be part of, the hereditary revenues of the crown.

and to be charged upon any of the hereditary duties which, by 1 Geo. 3. c. 1. were made part of the aggregate fund, etc.

II Provided always, That nothing in this act, or in the letters patent to be made in pursuance thereof, contained, or to be contained, shall extend, or be construed to extend, to give and grant a greater annuity or yearly sum than fifteen thousand pounds by the year, to any one of the said princes.

No one of the princes to have a greater annuity than 15,000 l. a year.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the King's most excellent majesty, by any letters patent, or by several letters patents, under the great seal of *Great Britain*, hereafter to be made, to give and grant to their royal highnesses princesses *Charlotte Augusta Matilda*, princess *Augusta Sophia*, princess *Elizabeth*, princess *Mary*, and princess *Sophia*, and to the survivors and survivor of them, or to such other person or persons as his Majesty shall think fit to be named in such letters patent, and his or their heirs, during the lives of their said royal highnesses, and the life of the survivor of them, in trust for their said royal highnesses, or the survivors or survivor of them, one other annuity or yearly sum of money, not exceeding the sum of thirty thousand pounds of lawful money of *Great Britain*, by the year, to commence and take effect from the day of the demise of his Majesty, (whom God long preserve,) and to be paid and payable, by even and equal portions, on the four most usual days of payment in the year; (that is to say) The fifth day of *January*, the fifth day of *April*, the fifth day of *July*, and the tenth day of *October*; the first payment thereof to be made on such of the said days which shall next happen after the demise of his said Majesty; and that such last-mentioned annuity or yearly sum of money shall or may, by such letters patent as aforesaid, be given and granted to issue, and shall accordingly issue and be payable out of, and be charged and chargeable upon, all or any part or parts of such of the hereditary duties, revenues, and branches, as were by the said act, made in the first year of his present Majesty's reign, in-

His Majesty empowered to settle on the five princesses his daughters an annuity of 30,000 l. per annum, to commence from the demise of his Majesty;

and to be charged on the duties above-mentioned.

intituled, *An act for the support of his Majesty's household, and of the honour and dignity of the crown of Great Britain*, carried to, and made part of, the said general or aggregate fund, and shall be then subsisting; and out of and upon such part of the rates of postage, granted by the said act, made in the fifth year of the reign of his present Majesty, intituled, *An act to alter certain rates of postage; and to amend, explain, and enlarge, several provisions in an act made in the ninth year of the reign of Queen Anne, and in other acts relating to the revenue of the post-office*, as shall then belong to, and be part of, the hereditary revenues of the crown.

Regulations
for dividing
the said an-
nuity upon
the marriage
or death of
any of the
princesses.

IV. Provided also, and it is hereby enacted by the authority aforesaid, That upon the death of any of their said royal highnesses the princesses, or upon the marriage of any one of them, and the payment of a portion, on or in consideration of such marriage, not less than forty thousand pounds sterling, the right, title, share, and interest, of such princess so dying, or being married, in and to the said yearly rent or annuity of thirty thousand pounds, or any part thereof, shall cease and determine, and the said whole annuity shall, from thenceforth, accrue and remain to the four other princesses; and upon the death or marriage of any other of the said princesses, and the payment of a portion, not less than forty thousand pounds sterling, on or in consideration of such marriage, the right, share, and interest, of such other princess so dying, or being married, in or to the said annuity of thirty thousand pounds, shall cease and determine, and the said whole annuity shall from thenceforth accrue and remain to the three other princesses; and upon the death or marriage of any other of the said princesses, and the payment of a portion, not less than forty thousand pounds sterling, on or in consideration of such marriage, the right, share, and interest, of such other princess so dying, or being married, in or to the said annuity of thirty thousand pounds, shall cease and determine, and two third parts of the said annuity of thirty thousand pounds, amounting to twenty thousand pounds *per annum*, and no more, shall accrue and belong to the other two princesses then unmarried; and upon the death or marriage of either of the said two last-mentioned princesses, and payment of a portion, not less than forty thousand pounds sterling, on or in consideration of such marriage, the right, share, and interest, of such princess, of, in, and to the said annuity of twenty thousand pounds, shall cease and determine, and the other of the said princesses then living, shall be intituled to twelve thousand pounds *per annum*, part of the said rent or annuity of twenty thousand pounds, and no more, to cease and be determined on her death or marriage; and the payment of a portion, not less than forty thousand pounds sterling, on or in consideration of such marriage.

His Majesty
impowered to
settle an an-
nuity of
£,000 l. per

V. And it is hereby further enacted by the authority aforesaid, That it shall and may be lawful to and for the King's most excellent majesty, by any letters patent, or by several letters patents, under the great seal of *Great Britain*, hereafter to be made, to give and grant unto his highness prince *William Frederick*, the son

son of his said royal highness the duke of *Gloucester*, or to such other person or persons as his Majesty shall think fit to be named in such letters patent, and his or their heirs, during the life of him the said prince *William Frederick*, in trust for him the said prince *William Frederick*, one other annuity or yearly sum of money, not exceeding the sum of eight thousand pounds of lawful money of *Great Britain* by the year, for and during his natural life, to commence and take effect from the day of the decease of his said royal highness the duke of *Gloucester*, and to be paid and payable, by even and equal portions, on the four most usual days of payment in the year; that is to say, the fifth day of *January*, the fifth day of *April*, the fifth day of *July*, and the tenth day of *October*; the first payment thereof to be made on such of the said days which shall next happen after the decease of the said duke of *Gloucester*; and that such last-mentioned annuity or yearly sum shall or may, by such letters patent as aforesaid, be given and granted, during the continuance of the said act, made in the first year of his present Majesty's reign, and of another act, made in the seventeenth year of his present Majesty's reign, for the support of his Majesty's household, and of the honour and dignity of the crown of *Great Britain*, to issue, and shall accordingly issue and be payable out of, and be charged and chargeable upon, the several yearly rents or sums by the said acts directed to be paid and payable out of, and charged and chargeable upon, the duties and revenues composing the said fund commonly called *The General or Aggregate Fund*, for the support of his Majesty's household, and of the honour and dignity of the crown of *Great Britain*; and, from and immediately after the expiration of the said acts, the same shall or may be given and granted, by such letters patent as aforesaid, to issue, and shall accordingly issue and be payable out of, and be charged and chargeable upon, all or any part or parts of such of the said hereditary duties, revenues, and branches, as were thereby carried to, and made part of, the said general or aggregate fund, and shall be then subsisting; and out of and upon such part of the rates of postage granted by the said act, made in the fifth year of the reign of his present Majesty, intituled, *An act to alter certain rates of postage; and to amend, explain, and enlarge, several provisions in an act made in the ninth year of the reign of Queen Anne, and in other acts relating to the revenue of the post-office*, as shall then belong to, and be part of, the hereditary revenue of the crown.

annum, on prince William Frederick, to commence from the decease of the duke of Gloucester;

and to be charged on the aggregate fund,

and the hereditary duties, etc. before-mentioned.

VI. And it is hereby further enacted by the authority aforesaid, That it shall and may be lawful to and for the King's most excellent majesty, by such letters patent, or by several letters patents, under the great seal of *Great Britain*, hereafter to be made, to give and grant unto her highness princess *Sophia Matilda*, the daughter of his said royal highness the duke of *Gloucester*, or to such other person or persons as his Majesty shall think fit, to be named in such letters patent, and his or their heirs, during the life of her the said princess *Sophia Matilda*, in trust

His Majesty empowered to settle an annuity of 4,000 l. per annum, on the princess Sophia Matilda, to commence from the decease of the duke of Gloucester;

and to be charged on the aggregate fund, &c, as the last mentioned annuity.

trust for her the said princess *Sophia Matilda*, one other annuity or yearly sum of money, not exceeding the sum of four thousand pounds of lawful money of *Great Britain* by the year, for and during her natural life, to commence and take effect from the day of the decease of his said royal highness the duke of *Gloucester*, and to be paid and payable, by even and equal portions, at the four most usual days of payment in the year; that is to say, the fifth day of *January*, the fifth day of *April*, the fifth day of *July*, and the tenth day of *October*; the first payment thereof to be made on such of the said days which shall next happen after the decease of the said duke of *Gloucester*; and that such last-mentioned annuity or yearly sum shall or may, by such letters patent, be given and granted, during the continuance of the said acts, made in the first and seventeenth years of his present Majesty's reign, *for the support of his Majesty's household, and of the honour and dignity of the crown of Great Britain*, to issue, and be payable out of, and charged and chargeable upon, the several yearly rents or sums, by the said acts directed to be paid and payable out of, and charged and chargeable upon, the duties and revenues composing the said fund commonly called *The General or Aggregate Fund*, for the support of his Majesty's household, and of the honour and dignity of the crown of *Great Britain*; and, from and immediately after the expiration of the said acts, the same shall or may be given and granted, by such letters patent as aforesaid, to issue, and shall accordingly issue and be payable out of, and charged and chargeable upon, all or any part or parts of such of the said hereditary duties, revenues, and branches, as were thereby carried to, and made part of, the said general or aggregate fund, and shall be then subsisting; and out of and upon such part of the rates of postage granted by the said act, made in the fifth year of the reign of his present Majesty, intituled, *An act to alter certain rates of postage; and to amend, explain, and enlarge, several provisions in an act made in the ninth year of the reign of Queen Anne, and in other acts relating to the revenue of the post-office*, as shall then belong to, and be part of, the hereditary revenues of the crown.

This act not to obstruct the payment of any sums heretofore charged on the said duties.

VII. Provided always, That nothing in this act contained, or to be contained in such letters patent as aforesaid, shall extend to hinder or obstruct the payments of any monies, by any former act or acts of parliament now in force, charged upon the said rates, duties, and revenues, or any of them, or the application thereof to the respective uses intended by such former acts concerning the same, any thing herein contained to the contrary notwithstanding.

Annuities to be paid, without fail, to the exchequer, or to the common funders, etc. of the revenues which shall be charged;

VIII. And be it further enacted by the authority aforesaid, That such of the said annuities or yearly sums respectively, which by virtue of this act, and such letters patent as aforesaid, shall or may take place and effect during the continuance of the said act, made in the first year of his present Majesty's reign, intituled, *An act for the support of his Majesty's household, and of the honour and dignity of the crown of Great Britain*, shall, during the continuance

nuance thereof, be paid and payable at the receipt^o of his Majesty's exchequer; and, from and immediately after the expiration thereof, all the said annuities or yearly sums above mentioned to be given and granted by virtue of this act, shall be paid and payable either at the said receipt of his Majesty's exchequer, or by and from the immediate hands of all and every the commissioners, farmers, treasurers, or receivers for the time being, of the said revenues respectively, upon which the said annuities or yearly sums, or any part or parts thereof, shall be charged by virtue of this act, without any fees or charges to be demanded or taken for paying the same, or any part thereof; and the acquittance or acquittances, receipt or receipts, of their said royal highnesses prince *Frederick* bishop of *Osnaburgh*, prince *William Henry*, prince *Edward*, prince *Ernest Augustus*, prince *Augustus Frederick*, and prince *Adolphus Frederick*, and of their said royal highnesses princess *Charlotte Augusta Matilda*, princess *Augusta Sophia*, princess *Elizabeth*, princess *Mary*, and princess *Sophia*, and of their highnesses prince *William Frederick*, and princess *Sophia Matilda*, respectively, or the survivors or survivor of them, or of such of them as shall be intitled to receive any such annuity or yearly sum, or any part thereof, or of any person or persons authorised by them, or any of them respectively, to receive the same, shall be a good and sufficient discharge for the payment thereof, without any further or other warrant to be sued for, had, or obtained, in that behalf; and that the said respective annuities or yearly sums, and every part thereof, shall be free and clear from all taxes, impositions, and other publick charges whatsoever; and that if the officer of the receipt of his Majesty's exchequer, or the said commissioners, farmers, treasurers, or receivers for the time being, of any of the said duties or revenues, upon which the said annuities or yearly sums, or any part or parts thereof, shall be charged as aforesaid, shall refuse or neglect to pay the same, upon demand to be made for that purpose, or any part thereof, according to the true intent of this act, and of such letters patent or letters patents, to be granted by his Majesty as aforesaid, then their said royal highnesses prince *Frederick* bishop of *Osnaburgh*, prince *William Henry*, prince *Edward*, prince *Ernest Augustus*, prince *Augustus Frederick*, and prince *Adolphus Frederick*, and their said royal highnesses princess *Charlotte Augusta Matilda*, princess *Augusta Sophia*, princess *Elizabeth*, princess *Mary*, and princess *Sophia*, and their highnesses prince *William Frederick*, and princess *Sophia Matilda*, or the survivors or survivor of them, or such of them as shall be intitled to receive the said annuities, or any of them, or any part thereof, or such their trustees respectively, may, from time to time, sue, prosecute, and implead, such officers, commissioners, farmers, treasurers, or receivers, or any of them, or all or any of their securities, their heirs, executors, and administrators, by bill, plaint, or action of debt, and shall and may recover judgments, and sue out executions thereupon, against such officers, commissioners, farmers, treasurers, or receivers respectively, and their

and the receipts of their royal highnesses the princes and princesses, etc. shall be sufficient discharge for the same.

Annuities to be tax free.

In case the officer of the receipt of the exchequer, etc. shall neglect to pay the annuities on demand, they, or their securities, may be sued for the same.

their respective securities, their heirs, executors, or administrators, for so much of such sum or sums of money then due and owing upon the said several and respective annuities, or any part thereof, as shall have been in the hands of such officers, commissioners, farmers, treasurers, or receivers, respectively, at the time and times when such demand shall be made of the payment of the said several and respective annuities or yearly sums, or any part thereof, as aforesaid.

Provido relating to the payment of the annuities.

IX. Provided always, That if any of the said respective annuities or yearly sums, or any part thereof, shall cease to be chargeable upon, and payable out of, the said general or aggregate fund, or any part thereof, and shall become chargeable upon, and payable out of, all or any of the said hereditary duties, revenues, and branches, between any two of the said quarterly days of payment; then, and in such case, such annuities respectively shall, at the next quarter day, be payable, at the receipt of the exchequer, out of the said general or aggregate fund, and out of the said hereditary duties, revenues, and branches, in proportion to the times during which the same were, in the course of such quarter, so chargeable and payable, any thing herein-before contained to the contrary notwithstanding.

All the powers, directions, etc. to be contained in his Majesty's letters patent to be made in pursuance of this act, shall be effectual in law, notwithstanding any restrictions contained in any of the before recited acts, etc.

X. And be it further enacted by the authority aforesaid, That all and every the powers, precepts, directions, and clauses, to be contained in his Majesty's letters patent hereafter to be made as aforesaid, for the better and more certain payment and assurance of the said several annuities or yearly sums, and for making the said respective revenues, or any of them, or any part or parts thereof, liable thereunto as aforesaid, shall be good and effectual in the law, according to the tenor and purport thereof, in the said letters patent or letters patents to be expressed, notwithstanding any restriction or other matter or thing contained in the said recited act, made in the first year of the reign of her said late majesty Queen Anne, intituled, *An act for the better support of her Majesty's household, and of the honour and dignity of the crown*; and notwithstanding any restriction or other matter or thing contained in the said act, made in the ninth year of the reign of her said late majesty Queen Anne, intituled, *An act for establishing a general post-office for all her Majesty's dominions, and for settling a weekly sum out of the revenues thereof, for the service of the war, and other her Majesty's occasions*; and notwithstanding any restriction or other matter or thing contained in the said act, made in the first year of his present Majesty's reign, intituled, *An act for the support of his Majesty's household, and of the honour and dignity of the crown of Great Britain*; and notwithstanding any restriction or other matter or thing contained in the said act, made in the fifth year of his present Majesty's reign, intituled, *An act to alter certain rates of postage; and to amend, explain, and enlarge, several provisions in an act made in the ninth year of the reign of Queen Anne, and in other acts relating to the revenue of the post-office*; and notwithstanding any other act or acts of parliament, or any misrecital, nonrecital, omission, or other defect, in the

the said letters patent or letters patents, hereafter to be made by virtue of this act.

XI. Saving to all and every person and persons, bodies politic and corporate, their heirs, executors, administrators, and assigns, (other than the King's majesty, his heirs and successors,) all such right, title, interest, and demand whatsoever, which they, or any of them, have or may have, of, in, to, or out of the revenues aforesaid, or any of them, or any part thereof, before the making of this act, as fully and effectually, to all intents and purposes, as if this act had not been made; any thing herein contained to the contrary notwithstanding.

C A P. XXXII.

An act for further continuing so much of certain duties as have by several acts of parliament been granted and continued for repairing and maintaining the harbours of Dover and Rye, as are applicable to completing and keeping in repair the said harbour of Rye, in the county of Sussex.

C A P. XXXIII.

An act for the better preservation of fish, and regulating the fisheries, in the rivers Severn and Verniew.

Preamble. Recital of act 1 Eliz. and 30 Car. 2. Putt fisheries described. Restrictions contained in act 30 Car. 2. injurious. So much of acts 1 Eliz. and 30 Car. 2. as relate to length of nets and size of meshes, below the bridge, etc. repealed. Regulations relating to the time of fishing, the size of the meshes, etc. Penalty on persons offending against the said regulations. Penalties may be levied by distress. On failure of distress, party to be committed. On information on oath that improper nets, etc. are suspected to be used, search warrants may be granted. Penalty on persons causing obstructions in fishing draughts by anchoring of vessels. Improper nets found fixed across the rivers may be destroyed. Justices may grant warrants to search for illegal nets. Angling allowed on certain conditions. Proviso. Clause for preventing fishing in the night-time, and for otherways preserving the fish. Stakes to be fixed in the river, to preserve the fry and breed of fish. Limitation of actions, etc. How justices to proceed for conviction of offenders. Form of conviction. The penalty inflicted by act 1 Geo. 1. for catching fish under size, may be mitigated. Proviso. Persons aggrieved may appeal to the quarter-sessions. This act not to affect any ancient putt fisheries, except as aforesaid. Beginning and ending of the Lord's day. Proviso. This act not to extend to shrimp nets. Publick act.

C A P. XXXIV.

An act for the more easy and speedy recovery of small debts, within the soake of Bolingbrooke and wapentake of Candlehoe, in the parts of Lindsey, in the county of Lincoln.

C A P. XXXV.

An act for the better relief and employment of the poor within the hundred of Stow, in the county of Suffolk.

C A P. XXXVI.

An act for the more easy and speedy recovery of small debts, within the Isle of Ely, in the county of Cambridge.

C A P. XXXVII.

An act for paving parts of the footpaths on the sides of the great road, called Whitechapel Road, in the county of Middlesex; and also the several streets, lanes, roads, and passages, opening into the same; and for preventing obstructions, nuisances, and annoyances therein, and near thereto.

Preamble. Names of commissioners. On death, etc. of commissioners, others to be chosen. Ten days notice to be given of such election. Qualification of commissioners. Penalty on acting if not qualified. What number of commissioners may act. Time and place of commissioners first meeting. They may adjourn; or in default thereof, the clerk may appoint a meeting, &c. If clerk neglect, etc. two commissioners may do it, giving three days notice. No commissioner to hold any place of profit. Commissioners to appoint officers, and allow them salaries, etc. Rates to be paid to the collector. Officers to account, and pay the balance, etc. In default thereof an action may be brought; or justice, on complaint, may grant a warrant of distress. On failure of distress, etc. the offender may be committed. **Proviso.** On death or insolvency of officers, executors, etc. to pay the balance in preference of any other creditor; and may give in evidence such payment. On neglect of executors, etc. commissioners may bring an action against them. Officers who shall take any reward other than their salaries, or be interested in any bargain made by the commissioners, are disqualified, and shall forfeit 50*l*. Commissioners empowered to pave: to raise or sink the ground: to take up and remove water pipes, etc. to remove projections, and to make contracts. Penalty on breach of contract, how recoverable, &c. Commissioners may alter the position of lamp-irons. Commissioners may sell the old materials, and apply the money, etc. Persons intermeddling with the pavement, or obstructing workmen, to forfeit 40*s*. Property of pavement and materials vested in the commissioners, &c. Pavement may be taken up for amending water pipes, etc. Notice, within 6 hours after finishing thereof, to be given to the commissioners' paviour, who shall repair the same in 2 days. Contracts for paving pipe trenches, to be advertised. Charges of repairing pavement taken up, to be paid by persons occasioning the damage: how to be recovered. Paviours, etc. to water companies to give notice to the commissioners clerk of their names and places of abode, on forfeiture of 40*s*. Water companies to repair their pipes within two days after notice. Private drains, etc. to be repaired by the commissioners at the expence of the proprietors, when neglected by them after notice: which expence is to be proportioned by the commissioners. How the said charges may be recovered. Commissioners of sewers to be summoned when any repairs of sewers, etc. are wanted. Penalty on laying dirt, etc. in the paths. Goods and carriages obstructing the passage may be seized, and if not claimed, etc. in 3 days, may be sold. Penalty on driving wheelbarrows, etc. over the foot-pavement. Hoards may be erected with leave. Penalty on erecting them without leave. Foot pavements to be swept every day (Sundays excepted). Houses to be numbered, etc. Signs, etc. to be regulated. Projections to be removed. Penalty on causing annoyances by signs, gutters, etc. Commissioners empowered to make rates, not exceeding nine pence in the pound. Rates to be paid by occupiers: one third whereof shall be allowed by landlords. Houses, etc. unoccupied, to pay only one third of the rate. When a house is occupied by two or more tenants, the tenant paying the rates to deduct the whole out of his rent. Rates to be signed by two justices. On refusal to pay the rates, they may be levied by distress: on failure whereof, the party to be committed. All the persons in arrear may be comprized in one warrant or schedule thereto. Places of worship, void spaces of ground, etc. may be rated. By whom such rates shall be paid. Rates may be recovered by action. Vacant ground to be fenced in at the expence of the occupiers, etc. Occupiers quitting without paying rates, may be followed, etc. In case of collectors becoming insolvent, etc. the deficiency to be again assessed.

Com-

Commissioners may borrow 3,000 l. at interest, or raise it by sale of annuities: no one annuity to exceed 200 l. Commissioners order to entitle the contributor to the payment of his interest and annuity: which shall be charged upon the rates. Annuities deemed indefeasible estates: but not liable to the land tax. Annuities, etc. may be assigned *toties quoties*. Assignments to be entered. As annuitants die, the rates to be lowered. Monies may be raised by sale of other annuities in the place of those that have ceased, for the payment of the interest money. Expences of passing this act to be first paid. Certain parts of the pavement to be done by the parish surveyors: but if they neglect, the commissioners are to do it. Clause to empower the commissioners to pave the footways of any adjoining street, etc. in case two thirds of the inhabitants shall request it. The accounts for paving such streets, etc. to be kept separate. Penalties may be mitigated. How far they may be mitigated. Commissioners who are justices may act as such; and administer oaths. Actions may be instituted in the name of the treasurer. Persons aggrieved may appeal to the sessions, whose determination shall be final. Penalties and forfeitures how to be recovered and applied. Commissioners may reward informers. Distress not to be deemed unlawful for want of form. Plaintiff not to recover if tender of amends hath been made. Writings to be without stamps. Proceedings to be entered in a book, which may be read in evidence. Proceedings not to be quashed for want of form, nor removed by *Certiorari*. Limitation of actions. General issue. Treble costs. Publick act.

C A P. XXXVIII.

An act for raising a certain sum of money by loans or exchequer bills, for the service of the year one thousand seven hundred and seventy-eight.

C A P. XXXIX.

An act to indemnify such persons as have omitted to qualify themselves for offices and employments; and to indemnify justices of the peace, or others, who have omitted to register or deliver in their qualifications within the time limited by law, and for giving further time for those purposes; and to indemnify members and officers, in cities, corporations, and borough towns, whose admissions have been omitted to be stamped according to law, or, having been stamped, have been lost or mislaid; and for allowing them time to provide admissions duly stamped; and to give further time to such persons as have omitted to make and file affidavits of the execution of indentures of clerks to attornies and solicitors.

WHEREAS divers persons, who, on account of their offices, places, employments, or professions, or any other cause or occasion, ought to have taken and subscribed the oaths, or the assurance respectively, appointed to be by such persons taken and subscribed, in and by an act made in the first year of the reign of his late majesty King George the First, of glorious memory, (intituled, An act for the further security of his Majesty's person and government, and the succession of the crown in the heirs of the late prince's Sophia, being protestants; and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors;) or to have qualified themselves according to an act, made in the thirteenth year of the reign of King Charles the Second, (intituled, An act for the well-governing and regulating corporations;) or to have qualified

Persons who have omitted to qualify themselves agreeable to act 1 Geo. 1.

Act 13 Car. 2.

- lified themselves according to another act, made in the twenty-fifth year of the reign of King Charles the Second, (intituled, An act for preventing the dangers which may happen from popish recusants, by receiving the sacrament of the Lord's supper, according to the usage of the church of England, and making and subscribing the declaration against transubstantiation therein mentioned;) or according to another act, made in the thirtieth year of the reign of King*
- Act 25 Car. 2.** *Charles the Second, (intituled, An act for the more effectual preserving the King's person and government, by disabling papists from sitting in either house of parliament;) or according to another act, made in the eighth year of the reign of his late majesty King*
- Act 8 Geo. 1.** *George the First, (intituled, An act for granting the people called Quakers such forms of affirmation or declaration as may remove the difficulties which many of them lie under;) or according to another act, made in the ninth year of the reign of his late majesty*
- Act 9 Geo. 2.** *King George the Second, (intituled, An act for indemnifying persons who have omitted to qualify themselves for offices within the time limited by law, and for allowing further time for that purpose; and for amending so much of an act, passed in the second year of the reign of his present Majesty, as requires persons to qualify themselves for offices before the end of the next term, or quarter sessions; and also for enlarging the time limited by law for making and subscribing the declaration against transubstantiation; and for allowing a further time for inrolment of deeds and wills made by papists; and for relief of protestant purchasers, devisees, and lessees;) or according to another act, made in the eighteenth year of the reign of his late majesty King*
- Act 18 Geo. 2.** *George the Second, (intituled, An act to amend and render more effectual an act, passed in the fifth year of his present Majesty's reign, intituled, An act for the further qualification of justices of the peace;) or according to another act, made in the sixth year of the reign*
- and act 6 Geo. 3.** *of his present Majesty, (intituled, An act for altering the oath of abjuration, and the assurance; and for amending so much of an act, made in the seventh year of the reign of her late majesty Queen Anne, intituled, An act for the improvement of the union of the two kingdoms, as, after the time therein limited, requires the delivery of certain lists and copies therein mentioned to persons indicted of high treason, or misprision of treason;) have, through ignorance of the law, absence, or some unavoidable accident, omitted to take and subscribe the said oaths and assurance, and make and subscribe the declaration required by law, or otherwise to qualify themselves as aforesaid, within such time, and in such manner, as in and by the said acts respectively, or by any other act of parliament in that behalf made, is required, whereby they have incurred, or may be in danger of incurring, divers penalties and disabilities: for quieting the minds of his Majesty's subjects, and for preventing any inconveniences that might otherwise happen by means of such omissions; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all and every person or persons, who, at or before the passing of this*
- act,*

before the
passing of this
act,

act, hath or shall have omitted to take and subscribe the said oaths and declarations, or to receive the sacrament of the Lord's supper, or otherwise to qualify him, her, or themselves, within such time, and in such manner, as in and by the said acts, or any of them, or by any other act of parliament in that behalf made, is required; and who, after accepting any such office, place, or employment, or undertaking any profession or thing on account of which such qualifications ought to have been had, and is required, before the passing of this act, hath or have taken and subscribed the said oaths, or made the declarations required by law, and also received the sacrament of the Lord's supper, according to the usage of the church of *England*, or who, on or before the twenty-fifth day of *December*, one thousand seven hundred and seventy-eight, shall take and subscribe the said oaths, declarations, and assurance respectively, in such cases wherein by law the said oaths, declarations, and assurance, ought to have been taken or subscribed, in such manner and form, and at or in such place or places, as are appointed in and by the said act, made in the first year of the reign of his said late majesty King *George* the First, or by any other act or acts of parliament in that behalf made and provided, and also hath or have received, or shall, on or before the said twenty-fifth day of *December*, one thousand seven hundred and seventy-eight, receive the sacrament of the Lord's supper, according to the usage of the church of *England*, in such cases wherein the said sacrament ought to have been received, and hath or have made and subscribed, or shall, on or before the said twenty-fifth day of *December*, one thousand seven hundred and seventy-eight, make and subscribe the said declaration against transubstantiation, and also hath or have made and subscribed, or shall, on or before the said twenty-fifth day of *December*, one thousand seven hundred and seventy-eight, make and subscribe the said declaration, in the said statute made in the thirtieth year of King *Charles* the Second, in such cases wherein the said declarations ought to have been made and subscribed, and take and subscribe the oath directed by the said act made in the eighteenth year of the reign of his late majesty King *George* the Second, in such cases wherein the said oath ought to have been taken and subscribed, in such manner as by the said act is directed, shall be, and are hereby indemnified, freed, and discharged, from and against all penalties, forfeitures, incapacities, and disabilities incurred, or to be incurred, for or by reason of any neglect or omission previous to the passing of this act, of taking or subscribing the said oaths or assurance, or receiving the sacrament, or making or subscribing the said declarations, or taking or subscribing the said oath, according to the above-mentioned acts, or any of them, or any other act or acts; and such person and persons is and are, and shall be, fully and actually recapacitated and restored to the same state and condition as he, she, or they, were in before such neglect or omission, and shall be deemed and adjudged to have duly qualified him, her, or themselves, according to the above-mentioned acts, and every

and who shall, on or before Dec. 25, 1778, qualify themselves,

shall be indemnified against forfeitures.

of them : and that all elections of, and acts done, or to be done, by any such person or persons, or by authority derived from him, her, or them, are and shall be of the same force and validity as the same, or any of them, would have been if such person or persons respectively had taken the said oath or assurance, and received the sacrament of the Lord's supper, and made and subscribed the said declarations, and taken and subscribed the said oath, according to the direction of the said acts, and every or any of them ; and that the qualification of such person or persons, qualifying themselves in manner, and within the time appointed by this act, shall be, to all intents and purposes, as effectual as if such person or persons had respectively taken the said oaths and assurance, and received the sacrament, and made and subscribed the said declaration, and taken and subscribed the said oath, within the time, and in the manner appointed by the several acts before-mentioned.

Not to indemnify any person for any penalty incurred by neglecting to qualify himself.

II. Provided always, That this act, or any thing herein contained, shall not extend, or be construed to extend, to indemnify any person against whom final judgement shall have been given, in any action of debt, bill, plaint, or information, in any of his Majesty's courts of record, for any penalty incurred by having neglected to qualify himself within the time limited by law.

Persons producing appointments and admissions before Dec. 25. 1778,

III. *And whereas the appointments of divers clerks of the peace, town clerks, and other publick officers, and the admissions of divers members, and officers of cities, corporations, and borough towns, or the entries of such admissions in the court books, rolls, or records, of such cities, corporations, and borough towns, which by several acts of parliament are directed and required to be stamped, may not have been provided, or the same not stamped, or may have been lost or mislaid, be it further enacted by the authority aforesaid, That, for the relief of such persons whose appointments and admissions, or the entries of whose admissions as aforesaid may not have been provided, or not duly stamped, or where the same have been lost or mislaid, it shall and may be lawful to and for such persons, on or before the twenty-fifth day of December, one thousand seven hundred and seventy-eight, to provide, or cause to be provided, appointments and admissions, or entries of admissions, as aforesaid, duly stamped : or, in case where such appointments, admissions, or entries of admissions, as aforesaid, have been made or provided, but have not been duly stamped, to produce such appointments, admissions, or entries of admissions, as aforesaid, to the commissioners appointed to inspect and manage the revenues of the stamp-duties, to be duly stamped ; which such commissioners are hereby authorised, empowered, and required, to duly stamp, on payment of the duties first payable, or to have been paid on such appointments, admissions, or entries of admissions, as aforesaid, without any fine or forfeiture thereon ; and such persons so providing appointments, admissions, or entries of admissions, as aforesaid, duly stamped, or procuring the same to be duly stamped, in manner aforesaid, are and shall be hereby confirmed and qualified to act as clerk of the*

shall be confirmed, and qualified to act as clerk, officer, or

the peace, town clerk, or other publick officer, or member or member of members, officer or officers, of such cities, corporations, and corporations, borough towns respectively, to all intents and purposes, and shall etc. and may hold and enjoy, and execute such offices, or any other offices into which he or they hath or have been elected, which they notwithstanding his or their omission, or the omission of any of have been their predecessors, in such cities, corporations, or borough towns, elected; as aforesaid; and shall be indemnified and discharged of and shall be from all incapacities, disabilities, forfeitures, penalties, and damages, by reason of any such omission; and none of his or their acts shall be questioned or avoided by reason of the same. indemnified from all penalties and damages incurred by reason of omissions.

IV. Provided always, That this act, or any thing herein contained, shall not extend, or be construed to extend, to restore or intitle any person or persons to any office or employment, benefice, matter, or thing whatsoever, already actually avoided by judgement of any of his Majesty's courts of record, or already legally filled up or enjoyed by any other person; but that such office, employment, benefice, matter, or thing, so avoided, or legally filled up and enjoyed, shall be and remain in and to the person or persons who is or are now, or shall, at the passing of this act, be legally intitled to the same, as if this act had never been made. Not to extend to restore persons to any office avoided by judgment.

V. And whereas many persons have omitted to cause affidavits to be made, and afterwards to be filed in the proper office, of the actual execution of several contracts in writing entered into by them to serve as clerks to attornies or solicitors, within the time in which the same ought to have been done, and many infants, and others, may thereby incur certain disabilities; for preventing thereof, and relieving such persons, be it enacted by the authority aforesaid, That every person who, at the passing of this act, shall have neglected or omitted to cause any such affidavit or affidavits as aforesaid to be made and filed, and who, on or before the first day of *Michaelmas* term, one thousand seven hundred and seventy-eight, shall cause one or more affidavit or affidavits to be made, and afterwards to be filed, in such manner as the same ought to have been made and filed in due time, shall be, and is hereby indemnified, freed, and discharged, from and against all penalties, forfeitures, incapacities, and disabilities, in or by any act or acts of parliament, mentioned and incurred, or to be incurred, for or by reason of such neglect or omission; and every such affidavit and affidavits so to be made, and which shall be duly filed on or before the said first day of *Michaelmas* term, one thousand seven hundred and seventy-eight, shall be as effectual, to all intents and purposes, as if the same had been made and filed within the respective times the same ought, by the laws now in being for that purpose, to have been made and filed. Persons who shall cause affidavits to be filed before Michaelmas term 1778, are indemnified, and discharged from penalties.

VI. And be it further enacted, That in case any action, suit, bill of indictment, or information, shall, from and after the passing of this act, be brought, carried on, or prosecuted, against any person or persons hereby meant or intended to be indemnified, recapacitated, or restored, for or on account of any forfeiture, Persons prosecuted and hereby meant to be indemnified, may plead the general issue.

ture, penalty, incapacity, or disability whatsoever incurred, or to be incurred, by any such neglect or omission, such person or persons may plead the general issue, and, upon their defence, give this act, and the special matter, in evidence, upon any trial to be had thereupon.

C A P. XL.

An act to repeal such part of an act, made in the last session of parliament, as relates to the manner of discharging bonds given for the due exportation of certain goods from Great Britain to foreign parts; and to extend such part of the same act, as obliges the master of British or Irish ships, sailing from any of his Majesty's dominions into the Baltic, to deliver a manifest of their cargoes to the British consul residing there, to the like vessels sailing into Denmark, Norway, and Archangel.

Preamble.

17 Geo. 3. c. 41.
recited,

WHEREAS by an act made in the last session of parliament, (intituled, An act to prevent the clandestine unshipping from and receiving goods at sea on board vessels employed in the East India company's service; for ascertaining the manner of discharging bonds given for the due exportation of certain goods from Great Britain to foreign parts; and to oblige the masters of British or Irish ships, sailing from any of his Majesty's dominions into the Baltic, to deliver a manifesto of their cargoes to the British consul residing there), it is amongst other things enacted, That no bond, given in pursuance of any act or acts of parliament, for the due and regular exportation of any goods, which are or may be prohibited to be worn, or used, in Great Britain, or which are or may be intitled to any drawback, bounty, or premium, payable out of any money arising by the revenue of customs, upon exportation from this kingdom into foreign parts, shall be delivered up, cancelled, or discharged, until certificates shall be produced of the exportation to, and landing such goods at, the ports and places mentioned in such bond, or until proof be made upon oath in relation thereto, in such manner and form as in the said recited act is directed: and whereas it has been found very prejudicial to the trade of this kingdom, and in many cases impracticable for the exporters of such goods to obtain the certificates, and make the proof, in the manner required by the said act; for remedy whereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the passing of this act, such part of the said recited act, as requires certificates to be produced, and proof to be made, for the discharge of any bonds entered into in this kingdom, for the due exportation of the goods therein mentioned to any foreign parts, shall be, and the same is hereby repealed.

and in part,
repealed.

Part of the
said act relat-
ing to the
ports in the

II. And be it further enacted by the authority aforesaid, That, from and after the twenty-fourth day of June, one thousand seven hundred and seventy-eight, such part of the said recited

cited

cited act, as requires the master, commander, or other person having the charge of any *British* or *Irish* ship or vessel, sailing from *Great Britain* or *Ireland*, or any other part of his Majesty's dominions, to any port or place in the *Baltic*, to deliver to the *British* consul residing there, or to such other person or persons as shall be appointed for that purpose by him, a true manifest, in writing, upon oath, specifying the particulars of the whole cargo of such ship or vessel, with the marks and numbers of the package containing the same, shall extend, and be construed to extend, to such *British* or *Irish* ships or vessels, as shall sail from *Great Britain* or *Ireland*, or any other part of his Majesty's dominions, to any of the ports of *Denmark*, *Norway*, and *Archangel*, in the same manner, and under the same restrictions, in all respects, as is and are directed and required by the said recited act, with regard to such vessels sailing to any port or place in the *Baltic*.

Baltic, extended to *Denmark*, etc.

C A P. XLI.

An act for uniting the free grammar school of James king of England, within the town of Henley upon Thames, in the county of Oxford, with the charity school founded in the same town by dame Elizabeth Periam, widow; and for the better regulation and management of the said endowments.

Preamble, reciting letters patent of King James I. and the will of William Gravett. Dame Elizabeth Periam's foundation of a charity school. The present annual income of the two schools. Present governors of the free grammar school; and of dame Elizabeth Periam's. Inconveniencies attending the present establishment. The two charities consolidated, and united together. The title thereof. The governors of both schools united together as trustees for the new establishment; who are to be a body corporate: their name and powers. Estates and effects of both schools vested in the trustees; who are empowered to dispose of the same for the purposes of this act. Expences of this act to be first paid. To promote and facilitate the sale and exchange of the estates, purchasers are to hold the lands, discharged from all uses, trusts, etc. Trustees authorised to grant building or repairing leases for long terms of years, without taking fines, etc. Masters, ushers, and assistants, to be appointed by the trustees; who are to allow them salaries. Trustees to direct how many boys shall be admitted, etc. and may make bye-laws; to be allowed by the bishop of Oxford. Trustees, on doubts in the construction of any rule or bye law; etc. may apply in a summary way to the court of chancery. Surplus money to be placed out at interest. Power to dispose of the surplus money. When trustees die, or refuse to act, new ones to be chosen. Each trustee shall be accountable only for his own act and deed. Trustees to reimburse themselves their expences in executing this act. Publick act. General saving.

C A P. XLII.

An act to enable the corporation of Trinity House of Deptford Strond to establish and maintain a light-house on the rocks called The Smalls, in Saint George's Channel.

Preamble. Act 8 Eliz. recited. Letters patent of 36 Eliz. recited. After a light shall be placed in a light house on one of the rocks called The Smalls, duties may be collected by the master, etc. of Trinity House. The duties. Duties to be paid by the masters of vessels. All customers, etc. to take care that these duties are paid. Exemptions from the duties. The

grant of the rocks to Mr. Philips, by letters patent, declared void. The rocks vested in the corporation of Trinity House, subject to a yearly rent of 5l. payable to his Majesty. Limitation of actions. General issue. Treble costs. Publick act.

C A P. XLIII.

An act to repeal an act, passed in the last session of parliament, for the recovery of small debts, within the several parishes of Surfleet, Gosberton, Quadring, Donnington, Bicker, Swineshead, Wigtoft, Sutterton, Algar-kirke, Foldike, Kirton, Frampton, Wiberton, and Brothertoft, within the hundred of Kirton, and county of Lincoln.

C A P. XLIV.

An act for building a stone bridge across the river Tyne, opposite the town of Hexham, in the county of Northumberland, and for making proper roads and avenues to and from the same.

C A P. XLV.

An act to continue the several laws therein mentioned, relating to the allowance upon the exportation of British-made gunpowder; to the further encouraging the manufacture of British sail cloth and to the duties payable on foreign sail cloth; to the granting a liberty to carry sugars of the growth, produce, or manufacture, of any of his Majesty's sugar colonies, directly to foreign parts, in ships built in Great Britain, and navigated according to law; to the further punishment of persons going armed or disguised, in defiance of the laws of customs or excise; to the prohibiting the importation of light silver coin of this realm from foreign countries into Great Britain or Ireland, and to restrain the tender thereof beyond a certain sum; to the granting a bounty upon flax-seed imported into Ireland; to the better regulating of pilots for the conducting of ships and vessels from Dover, Deal, and Isle of Thanet; and to revive and continue so much of an act, made in the sixteenth year of his present Majesty's reign, as relates to allowing the exportation of certain quantities of wheat, and other articles, to his Majesty's sugar colonies in America.

Preamble.

W H E R E A S, the laws herein-after mentioned have, by experience, been found useful and beneficial, and are near expiring; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act, made in the fourth year of the reign of his late majesty King George the Second, (intituled, *An act for granting an allowance upon the exportation of British-made gunpowder,*) which was to continue in force for five years, from the twenty-fourth day of June, one thousand seven hundred and thirty-one, and from thence to the end of the then next session of parliament; and which, by several subsequent acts, made in the tenth, sixteenth, twenty-fourth, and thirty-first years of his said Majesty's reign, and the fourth and twelfth years of his present Majesty's reign, was further continued until the twenty-ninth day

Act 4 Geo. 2.
or granting
an allowance
on exportation
of British-
made gun-
powder,

day of *September*, one thousand seven hundred and seventy eight, and from thence to the end of the then next session of parliament, shall be; and the same is hereby further continued, from the expiration thereof, until the twenty-ninth day of *September*, one thousand seven hundred and eighty-five, and from thence to the end of the then next session of parliament.

further continued till Sept. 29, 1785, etc.

II. And be it further enacted by the authority aforesaid, That an act, made in the ninth year of the reign of his late majesty King George the Second, (intituled, *An act for further encouraging and regulating the manufacture of British sail cloth, and for the more effectual securing the duties now payable on foreign sail cloth imported into this kingdom,*) which was to continue in force from the twenty-fourth day of *June*, one thousand seven hundred and thirty-six, for the term of five years, and from thence to the end of the then next session of parliament; and which, by several subsequent acts, made in the thirteenth, twenty-fourth, and thirty-first years of his said Majesty's reign, and the fourth and twelfth years of his present Majesty's reign, was further continued until the twenty ninth day of *September*, one thousand seven hundred and seventy-eight, and from thence to the end of the then next session of parliament, shall be, and the same is hereby further continued, from the expiration thereof, until the twenty-ninth day of *September*, one thousand seven hundred and eighty-five, and from thence to the end of the then next session of parliament.

Act 9 Geo. 2. for encouraging the manufacture of British sail cloth,

further continued till Sept. 29, 1785, etc.

III. And be it further enacted by the authority aforesaid, That an act, made in the twelfth year of the reign of his late majesty King George the Second, (intituled, *An act for granting a liberty to carry sugars, of the growth, produce, or manufacture, of any of his Majesty's sugar colonies in America, from the said colonies directly to foreign parts, in ships built in Great Britain, and navigated according to law,*) which was to continue in force for five years, from the twenty-ninth day of *September*, one thousand seven hundred and thirty-nine, and from thence to the end of the then next session of parliament; and which, by several subsequent acts, made in the seventeenth, twenty-fourth, and thirty-first years of his said Majesty's reign, and the fourth and twelfth years of his present Majesty's reign, was further continued until the twenty-ninth day of *September*, one thousand seven hundred and seventy-eight, and from thence to the end of the then next session of parliament, shall be, and the same is hereby further continued, from the expiration thereof, until the twenty-ninth day of *September*, one thousand seven hundred and eighty-five, and from thence to the end of the then next session of parliament.

Act 12 Geo. 2. granting a liberty to carry sugars from the sugar colonies to foreign parts,

further continued till Sept. 29, 1785, etc.

IV. And be it further enacted by the authority aforesaid, That so much of an act, made in the nineteenth year of the reign of his late majesty King George the Second, (intituled, *An act for the further punishment of persons going armed or disguised, in defiance of the laws of customs or excise, and for indemnifying offenders against those laws, upon the terms therein mentioned; and for the relief of*

Part of an act 19 Geo. 2. for punishing persons going armed or disguised, in defiance of the laws, etc.

officers of the customs in informations upon seizures,) as relates to the further punishment of persons going armed or disguised, in defiance of the laws of customs or excise, and to the relief of officers of the customs in informations upon seizures, which was to continue in force for seven years, from the twenty-fourth day of *July*, one thousand seven hundred and forty-six, and from thence to the end of the then next session of parliament; and which, by several subsequent acts, of the twenty-sixth and thirty-second years of the reign of his said late Majesty, and the fourth and eleventh years of the reign of his present Majesty, was further continued until the twenty-ninth day of *September*, one thousand seven hundred and seventy-eight, and from thence to the end of the then next session of parliament, shall be, and the same is hereby further continued, from the expiration thereof, until the twenty-ninth day of *September*, one thousand seven hundred and eighty-five, and from thence to the end of the then next session of parliament.

further continued till Sept. 26, 1785, etc.

Act 14 Geo. 3. to prohibit the importation of light silver coin, etc.

V. And be it further enacted by the authority aforesaid, That an act, made in the fourteenth year of the reign of his present Majesty, (intituled, *An act to prohibit the importation of light silver coin of this realm from foreign countries into Great Britain or Ireland, and to restrain the tender thereof beyond a certain sum,*) which was to continue in force until the first day of *May*, one thousand seven hundred and seventy-six, and from thence to the end of the then next session of parliament; and which by another act, made in the sixteenth year of the reign of his present Majesty, was continued until the first day of *May*, one thousand seven hundred and seventy-eight, and from thence to the end of the then next session of parliament, shall be, and the same is hereby further continued, from the expiration thereof, until the first day of *May*, one thousand seven hundred and eighty-three, and from thence to the end of the then next session of parliament.

further continued till May 1, 1783, etc.

Part of an act 35 Geo. 3. relating to a bounty on flax-seed imported into Ireland;

VI. And be it further enacted by the authority aforesaid, That so much of an act, made in the fifteenth year of the reign of his present Majesty, (intituled, *An act for allowing the clothing and accoutrements necessary for his Majesty's forces, paid out of his Majesty's revenues arising in the kingdom of Ireland, to be exported from thence to the places where such forces are ordered to serve; and for granting a bounty upon flax-seed imported into Ireland, for a limited time,*) as relates to the granting a bounty upon flax-seed imported into *Ireland* for a limited time, which was to continue in force for two years from the first day of *January*, one thousand seven hundred and seventy-six, and from thence to the end of the then next session of parliament; and also another act, made in the sixteenth year of the reign of his present Majesty, (intituled, *An act for granting a bounty upon flax-seed, the growth of the United Provinces, or of the Austrian Netherlands, imported into Ireland, for a limited time,*) which was to continue in force for two years, from the first day of *January*, one thousand seven hundred and seventy-six, and from thence to the end of the then next session of parliament, shall be, and the same are hereby further continued,

and an act of 6 Geo. 3. granting a similar bounty,

shall be further continued for two

nued, from the expiration thereof, for the further term of two years, and from thence to the end of the then next session of parliament.

VII. And be it further enacted by the authority aforesaid, That an act, made in the third year of the reign of King George the First, (intituled, *An act for the better regulating of pilots for the conducting of ships and vessels from Dover, Deal, and the Isle of Thanet, up the rivers of Thames and Medway,*) which was to continue in force for seven years, from the first day of *August*, one thousand seven hundred and seventeen, and from thence to the end of the then next session of parliament; and also a clause in an act of the seventh year of his said Majesty's reign, *for further regulating the pilots of Dover, Deal, and the Isle of Thanet*, which was to continue in force during the continuance of the said act of the third year of his said Majesty's reign; which said act, together with the said clause, were, by several sublequent acts, of the tenth year of the reign of his said Majesty, and of the eighth and twenty-third years of the reign of his late majesty King George the Second, and the fourth year of the reign of his present Majesty, further continued until the twenty-fifth day of *March*, one thousand seven hundred and seventy-eight, and from thence to the end of the then next session of parliament, (shall be, and the same are hereby further continued, from the expiration thereof, until the twenty-fifth day of *March*, one thousand seven hundred and ninety-two, and from thence to the end of the then next session of parliament.

Act 3 Geo. 1. for better regulating pilots,

and a clause in an act of 7 Geo. 1,

further continued till March 25, 1792.

VIII. And be it further enacted by the authority aforesaid, That so much of an act, made in the sixteenth year of the reign of his present Majesty, (intituled, *An act for allowing the exportation of certain quantities of wheat, and other articles, to his Majesty's sugar colonies in America, and to the island of Saint Helena, and to the other settlements belonging to the united company of merchants of England trading to the East Indies, and of biscuit and peas to Newfoundland, Nova Scotia, Bay Chaleur, and Labrador; and for indemnifying all persons with respect to advising or carrying into execution his Majesty's orders of council already made for allowing the exportation of wheat, and other articles,*) as relates to allowing the exportation of certain quantities of wheat and other articles to his Majesty's sugar colonies in *America*, which was to continue in force until the first day of *January*, one thousand seven hundred and seventy-seven; which, by another act, made in the seventeenth year of the reign of his present Majesty, was revived and continued until the twenty-fifth day of *March*, one thousand seven hundred and seventy-eight, shall, from and after the passing of this act, be revived, and the same is hereby revived, and shall continue in full force and virtue, until the first day of *May*, one thousand seven hundred and seventy-nine.

So much of an Act of 16 Geo. 3. as relates to the exportation of wheat, etc. to the sugar colonies,

revived; and to continue in force till May 1, 1779.

C A P. XLVI.

An act for allowing further time for inrollment of deeds and wills made by papists, and for relief of protestant purchasers.

Preamble.

Act 3 Geo. 3
recited.

WHEREAS by a clause in an act of parliament, passed in the third year of the reign of his late majesty King George the First, intituled, An act for explaining an act; passed in the last session of parliament, intituled, *An act to oblige papists to register their names and real estates*; and for enlarging the time for such registering; and for securing purchases made by protestants; it was enacted, That, from and after the twenty-ninth day of September, in the year of our lord one thousand seven hundred and seventeen, no manors, lands, tenements, hereditaments, or any interest therein, or rent or profit thereout, should pass, alter, or change, from any papist, or person professing the popish religion, by any deed or will, except such deed, within six months after the date, and such will, within six months after the death of the testator, should be enrolled in one of the King's courts of record at Westminster, or else within the same county or counties wherein the manors, lands, and tenements lie, in such manner as therein, for that purpose, is particularly directed: and whereas by several acts of parliament, made in the tenth year of his said late Majesty's reign, and in the third, sixth, ninth, eleventh, twelfth, sixteenth, nineteenth, twenty-first, twenty-eighth, thirty-first, and thirty-third of his late majesty King George the Second; and the second, fourth, and seventh years of his present Majesty's reign, it was enacted, That every deed and will, made since the twenty-ninth day of September, one thousand seven hundred and seventeen, in order to pass, alter, or change, any manors, lands, tenements, or hereditaments, or any interest therein, or any rent or profit thereout, from any papist, or person professing the popish religion, to any protestant or protestants, or by reason of which deed or will any protestant or protestants may claim or derive any legal, equitable, or other interest whatsoever, to his, her, or their use, for his, her, or their benefit, or to the use or benefit of any other protestant or protestants, though not inrolled, or not inrolled in due time, shall be as good and effectual in law as the same would have been in case the said deeds and wills had been inrolled within the times limited, by the said clauses in the said acts, for the inrollment thereof; provided the said deeds and wills should be inrolled on or before the respective times in the said several acts for that purpose mentioned, in such manner as by the said clause in the first mentioned act is directed: be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That every deed and will, made since the twenty-ninth day of September, one thousand seven hundred and seventeen, in order to pass, alter, or change, any manors, lands, tenements, or hereditaments, or any interest therein, or any rent or profit thereout, from any papist, or person professing the popish religion, to any protestant or protestants, or by reason of which deed or will any protestant or protestants

Deeds and wills of papists, etc. made since Sept. 29. 1717, to be good in law, if inrolled before Jan. 1, 1779.

testants may claim or derive any legal, equitable, or other interest whatsoever, to his, her, or their use, for his, her, or their benefit, or to the use or benefit of any other protestant or protestants, though not inrolled, or not inrolled in due time, shall be as good and effectual in the law as the same would have been in case the said deeds and wills had been inrolled within the times limited, by the said clauses in the said acts, for the inrollment thereof; provided the same deeds and wills shall be inrolled on or before the first day of *January*, one thousand seven hundred and seventy-nine, in such manner as by the said clause in the said first-mentioned act is directed.

II. Provided always, That nothing herein contained shall extend, or be construed to extend, to make good any such deed, will, or lease, already made and not inrolled, of the want of inrollment whereof advantage shall have been taken on or before the second day of *June*, one thousand seven hundred and seventy-seven; but every such deed, will, or lease, shall remain of such force and effect only, as the same would have had if this act had never been made, and of none other force and effect.

This act not to extend to deeds, etc. the validity whereof has been brought in question before June 2, 1777.

III. *And whereas many purchases made by protestants may be in danger of being impeached or called in question, in regard that some deeds or wills, through which the title thereto is derived, ought to have been inrolled according to the said acts, but have not been so inrolled;* be it therefore further enacted by the authority aforesaid, That no purchase made for full and valuable consideration of any manors, messuages, lands, tenements, or hereditaments, or of any interest therein, by any protestant or protestants, and merely and only for the benefit of the protestants, shall be impeached or avoided, for or by reason that any deed or will, through which the title thereto is derived, hath not been inrolled as required by the said acts, so as no advantage was taken of inrollment thereof before such purchase was made, and so as no decree or judgement hath been obtained for want of the inrollment of such deeds or wills.

Purchases made by protestants not to be avoided, on account of the title-deeds not having been inrolled, etc.

IV. Provided also, That nothing herein contained shall extend, or be construed to extend, to make good any grant, lease, or mortgage, of the advowson or right of presentation, collation, nomination, or donation, of and to any benefice, prebend, or ecclesiastical living, school, hospital, or donative, or any avoidance thereof, made by any papist, or person professing the popish religion, in trust, directly or indirectly, mediately or immediately, by or for any such papist, or person professing the popish religion, whether such trust hath been declared by writing or not.

This act not to make good any grant of the right of presentation to any benefice, etc. in trust for any papist.

C A P. XLVII.

An act to amend such part of an act, made in the forty-third year of the reign of Queen Elizabeth, intituled, An act for the relief of the poor, as relates to the binding of parish apprentices.

WHEREAS in and by an act, made in the forty-third year of the reign of Queen Elizabeth, intituled, An act for the relief of the poor,) it was enacted, That it should be lawful for the church-

Preamble.
Act 41 Eliz.
recited.

churchwardens and overseers therein mentioned, or the greater part of them, by the assent of any two justices of the peace, to bind the children of all such parents who shall not, by the said churchwardens and overseers, or the greater part of them, be thought able to keep and maintain their children, to be apprentices, where they shall see convenient, till such man-child shall come to the age of four and twenty years, and such woman-child to the age of one and twenty years, or day of marriage: and whereas it has been found by experience, that the said term respecting men-children is longer than is necessary, and that if such man-child was bound to be an apprentice only till he came to the age of one and twenty years, all the benefits intended by the said act would be preserved, the hardships brought on such parish apprentices, by the length of their apprenticeship, would be avoided, and the good harmony between master and apprentice would be better maintained; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the passing of this act, when any man-child shall be bound to be an apprentice by virtue of and under the authority of the said act, made in the forty-third year of Queen Elizabeth, such child shall be bound to be an apprentice for no longer term than till such child shall come to the age of twenty-one years.

No child apprenticed by virtue of the recited act, to continue an apprentice after the age of 21.

C A P. XLVIII.

An act for empowering the mayor, aldermen, and commons, of the city of London, in common council assembled, to raise, upon the credit of the surplusses to arise out of a certain fund, commonly called the orphans fund, the sum of forty thousand pounds, towards discharging the debt incurred in rebuilding the gaol of Newgate, and a sessions-house adjoining, and for completing the said gaol, and building an infirmary thereto; and other the purposes therein mentioned.

Preamble. Recital of acts 5 and 6 Gul. & Mar. 21 Geo. 2. 29 Geo. 2. and 7 Geo. 3. On July 5, 1766, 58,500l. wanted to complete Black-friars bridge, etc. 7,500l. for embanking the Thames; 30,000l. for redeeming the tolls of London-bridge; 50,000l. for building Newgate; and 10,000l. for repairing the Royal Exchange. Recital of the powers granted to the corporation of London by the Act of 7 Geo. 3. 156,000l. to be borrowed, at 3l. 10s. per cent. per ann. for the purposes before-mentioned. The fund established by act 5 & 6 Gul. & Mar. charged with the payment of monies thencefore borrowed, and also the said sum of 156,000l. And to render the said fund sufficient to pay off the said debts, the duty of 6d. per chaldron on coals and culm was further continued for 46 years, etc. The order in which the different payments were to be made out of the fund. How the surplusses were to be disposed of. Court of aldermen were to give six months notice of their intention to pay the respective sums borrowed, or to redeem the annuities, etc. In case of any deficiency in the said fund, the same to be supplied out of the chamber of London. Recital of the progress made in building a new gaol, and the expence thereof. An infirmary wanted. Common council empowered to complete the new gaol, and to build an infirmary adjoining thereto; and for that purpose to raise 40,000l. upon the orphans fund. Contributors to be intitled to redeemable annuities at 4l. 10s. per cent. per ann. Common council to give bonds for such annuities, assignable by indorsement. The annuities to be charged on the orphans fund. Surplusses of the said fund how to be applied. Upon six months notice of redemption of annuities, and

and tender of the money, the annuities to cease; but the principal to be still payable. Deficiencies in payment of interest, to be supplied out of the chamber of London. The 40,000*l.* to be applicable only for the purposes of this act. The surplus (if any) to be applied to increase the fund. Chamberlain to keep accounts of receipts and disbursements. Common council impowered to appoint officers; and allow them salaries. Officers concerned in the receipt of money to give security. Penalty on officers misapplying any of the said monies. City answerable in case of any misapplication by them. Amerciaments, etc. against the city to be applicable to the uses of this act, and not to be discharged, etc. Disbursements of the 40,000*l.* to be included in the chamberlain's annual account. Bonds, etc. not liable to any duty. This act not to affect any of the city's present creditors. Prisoners may be removed. Limitation of actions. General issue. Treble costs. Publick act.

C A P. XLIX.

An act for applying the sum of one thousand pounds, to arise out of the surplusses of a certain fund commonly called the Orphans Fund, for the purpose of opening communications between Wapping street and Ratcliff-highway, and between old Gravel-lane and Virginia-street, within the parishes of Saint George and Saint John of Wapping, in the county of Middlesex.

Preamble. Recital of 17 Geo. 3. c. 22. and act 5 & 6 Gul. & Mar. City of London to pay 45*l.* per annum to the treasurer of the commissioners under the first recited act. Bonds to be given for securing the payment of the annuity, and delivered to the treasurer. Bonds to be numbered, and may be sold. Application of the money arising by such sale. Holders of bonds may bring actions thereon. Annuities to be redeemable by the city on six months notice. Orphans fund charged with the annuities. Publick act.

C A P. L.

An act for applying the sum of one thousand five hundred pounds, to arise out of the surplusses of a certain fund, commonly called the Orphans Fund, for the purpose of widening certain avenues leading into Goodman's Fields, in the county of Middlesex.

Preamble. Act 5 & 6 Gul. & Mar. recited. City of London to pay an annuity of 67*l.* 10*s.* to the commissioners; and for that purpose to issue bonds under their common seal. Value and condition of the bonds. Bonds to be numbered, and may be sold. Application of the money arising from sale thereof. Annuities to be redeemable by the city on six months notice. The orphans fund charged with the payment of the annuities. Persons advancing money to pay expences of this act, to be allowed interest for the same. Publick act.

C A P. LI.

An act for applying the sum of four thousand pounds, to arise out of the surplusses of a certain fund, commonly called the Orphans Fund, towards completing the paving of the town and borough of Southwark, and certain parts adjacent, in the county of Surrey.

Preamble. Recital of act 6 Geo. 3. and act 5 & 6 Gul. & Mar. City of London to pay an annuity of 180*l.* to the commissioners under the first recited act; and for that purpose to issue bonds under their common seal. Value and condition of the bonds. Bonds to be numbered, and assignable by indorsement. Application of money arising from the bonds. Annuities to be redeemable by the city on six months notice. The orphans fund charged with the payment of the annuities. Interest of 4*l.* 10*s.* per cent. to be allowed for money advanced to pay the expences of this act. Publick act.

C A P. LII.

An act for the relief of insolvent debtors; and for the relief of bankrupts in certain cases.

Preamble.

WHEREAS many persons, by losses and other misfortunes, are rendered incapable of paying their whole debts; and though they are willing to make the utmost satisfaction they can, (and many of them are able to serve his Majesty by sea or land), yet are they detained in prison by their creditors, or have been forced to go into foreign parts out of this realm: and whereas such unhappy debtors have always been deemed the proper objects of publick compassion, and, by several acts of parliament, have been discharged on the conditions in such acts mentioned; for the relief, therefore, of insolvent prisoners and fugitives, who shall comply with the terms contained in this act, to be respectively observed by them, and faithfully discover upon oath, and deliver up and assign all their effects and estates whatsoever, for the benefit of their creditors, and to prevent, as far as possible, the many frauds and abuses, which in a great measure, have obstructed the good ends of such acts; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the passing of this act, all and every gaoler or keeper of any prison, in any county, riding, division, city, town, place, or liberty, within this kingdom, shall, is and are hereby required to make a true, exact, and perfect list, alphabetically, of the name or names of all and every person or persons, who, upon the twenty-eighth day of *January*, one thousand seven hundred and seventy-eight, was or were, or at any time since have been, under the terms and conditions herein mentioned, and at the time of making out every such list shall be, really an actual prisoner or prisoners, in the custody of any gaoler or gaolers, keeper or keepers of any prison respectively, upon any process whatsoever, for or by reason of any debt, damage, costs, sum or sums of money, contempt, or otherwise; and an account of the time when such prisoner or prisoners was or were respectively charged in custody, or received in prison, together with the name or names of the person or persons at whose suit or prosecution such prisoner or prisoners is or are detained; and shall deliver the same to the justices of the peace, at their first or second general quarter session or general session of the peace, to be held after the passing of this act, or at some adjournment thereof, for such county, riding, division, city, town, place, or liberty, respectively.

Alphabetical lists to be made out of prisoners in custody for debt on Jan. 28, 1778, or since that date.

with the time when charged, and at whose suit.

Lists to be delivered to the quarter sessions.

Warden of the Fleet, etc. to take an oath on delivering in lists.

II. And be it further enacted, That the warden of his Majesty's prison of the *Fleet*, and marshal of the *King's Bench Prison*, shall severally, on the delivering in of any such list of prisoners in their respective custody, take an oath; in the open court of such general quarter session of the peace, or at some adjournment thereof, to the effect following; (that is to say:)

I A. B. upon my corporal oath, in the presence of Almighty God, do The oath.
solemnly swear, profess, and declare, That all and every person and persons, whose name or names is or are inserted and contained in the first part of the list by me now delivered in and subscribed, was and were, to the best of my knowledge and belief, upon the twenty-eighth day of January, one thousand seven hundred and seventy-eight, really and truly prisoners in actual custody, in the prison or gaol of [insert the name of the prison], at the suit or suits of the several person or persons therein respectively mentioned; and also, that all and every person and persons, whose name or names is or are inserted or contained in the second part of the said list now by me delivered in and subscribed as aforesaid, have, since the said twenty-eighth day of January, one thousand seven hundred and seventy-eight, been committed or surrendered to the said gaol or prison of [insert the name of the gaol or prison], at the suit or suits of the several person or persons therein respectively mentioned; except such person or persons who is or are in such list particularly mentioned and described to have died, been discharged, or removed to some other prison, by process of law, since the said twenty-eighth day of January, one thousand seven hundred and seventy-eight; and also except such person or persons who is or are in such list particularly mentioned and described to have been permitted to have gone out of the said prison, by day-rules of the court of [Common Pleas, or King's Bench, as the case shall be] since the said twenty eighth day of January, one thousand seven hundred and seventy-eight, to transact their affairs; and also except such person or persons who is or are therein also particularly mentioned and described to have, upon the said twenty-eighth day of January, one thousand seven hundred and seventy-eight, or since, been in the rules of the said prison of the [Fleet, or King's Bench, as the case shall be,] by leave of [the warden or marshal of the said prison, as the case shall be]; and have, to the best of my knowledge and belief, really and truly, ever since, continued and remained in actual custody in the said prison of the [Fleet, or King's Bench, as the case shall be], or the liberties thereof, at the suit or suits of the several persons in the said list respectively mentioned; [and if any prisoner or prisoners hath or have, since the said twenty-eighth day of January, one thousand seven hundred and seventy-eight, escaped out of either of the said prisons, then insert], except [insert the name or names of the prisoner or prisoners who have escaped], who, without my knowledge, privity, or consent, hath or have escaped out of the said prison of and that the said list is a true, exact, perfect, and just list of all such persons who were really and truly prisoners in actual custody in the said gaol or prison of on the said twenty-eight day of January, one thousand seven hundred and seventy-eight, and who, since the said twenty eighth day of January, one thousand seven hundred and seventy-eight, have been committed to, and really have been, and now is or are, prisoner or prisoners, in actual custody, in the said gaol or prison of or the liberties thereof; and that none of such prisoners, to my know-
ledge,

ledge, or with my privity, have voluntarily, or with design, or in expectation, to take any benefit from or under any act of parliament to be made for relief of insolvent debtors, surrendered themselves, or been committed to the said prison, or got their names entered as prisoners in the books of the said prison, or since the said twenty-eighth day of January, one thousand seven hundred and seventy-eight, to my knowledge, or with my privity, have resided out of the said prison of or the rules thereof, [but if any have so done, add, except naming such by name].

All other
gaolers, on
delivering in
their lists, to
take the fol-
lowing

And that every other gaoler and keeper of any other prison or prisons, in any county, city, town, riding, division, place, or liberty, shall severally, on the delivering in of any such list respectively, take an oath in the open court of the general quarter session or general session of the county, city, town, division, liberty, or place, for which he or she shall deliver in any such list, and swear to the effect following; (that is to say):

Oath.

I A. B. upon my corporal oath, in the presence of Almighty God, do solemnly swear, profess, and declare, That all and every person and persons, whose name or names are inserted or contained in the first part of the list by me now delivered in and subscribed, was and were, to the best of my knowledge and belief, upon the twenty eighth day of January, one thousand seven hundred and seventy-eight, really and truly prisoners in actual custody, in the prison or gaol of at the suit or suits of the several persons therein respectively mentioned; and also that all and every person and persons, whose name or names is or are inserted or contained in the second part of the said list now by me delivered in and subscribed, as aforesaid, have, since the said twenty-eighth day of January, one thousand seven hundred and seventy eight, been committed or surrendered to the said gaol or prison of [if any such prisoner or prisoners hath or have, since the said twenty-eighth day of January, one thousand seven hundred and seventy-eight, been committed or surrendered to such gaol or prison], at the suit or suits of the several person or persons therein respectively mentioned, except [if any exception is necessary] such persons as are therein particularly mentioned and described to have died, been discharged, or removed to some other prison by process of law, or to have escaped out of such prison, without my privity, knowledge, or consent, since the said twenty-eighth day of January, one thousand seven hundred and seventy-eight; and that all and every of them, whose name and names is and are contained in the first part of the said list (except as before excepted) to the best of my knowledge and belief, have really and truly continued in actual custody in the said gaol or prison of ever since the said twenty-eighth day of January, one thousand seven hundred and seventy-eight, and that the said list is a true, exact, perfect, and just list of all such persons as were really and truly prisoners in actual custody, in the said gaol or prison of on the said twenty-eighth day of January, one thousand seven hundred and seventy-eight, and who since the said twenty-eighth day of January,

January, one thousand seven hundred and seventy-eight; have been really and truly committed, or surrendered to the said gaol or prison of

(except as before excepted) to the best of my knowledge and belief; and that none of such prisoners, to my knowledge, or with my privity, have voluntarily, or with design, or in expectation, to take any benefit from or under any act of parliament to be made for relief of insolvent debtors, surrendered or been committed to the said prison of

or got his, her, or their name or names entered as prisoner or prisoners in the books of the said prison, or since their commitment, have to my knowledge, or with my privity, resided out of the said prison of

except [if any have so done, then add, inserting their names.]

Which said respective oaths the said justices, at the first or second general quarter session or general session aforesaid, or at some adjournment thereof, within their respective jurisdictions, are hereby empowered and required to administer in open court: and the words of the said oath herein-before directed to be taken by the said warden and marshal respectively shall be entered or written at the end or bottom of the list which shall be delivered in by them respectively, and shall be subscribed and sworn to by them respectively in open court; and the words of the oath to be taken by every such gaoler or keeper respectively shall be entered or written at the end or bottom of the list which shall be delivered by them respectively, and shall be subscribed and sworn to by them respectively in open court: and every such list which shall be so delivered in, subscribed, and sworn to, in pursuance of this act, shall be kept by the clerk of the peace, town clerk, or other officer acting as clerk of the peace of every such county, riding, division, city, town, place, or liberty respectively, in which any such list as aforesaid shall be sworn to, for the better satisfaction of the said justices, and information of all or any prisoner or prisoners therein named; and so as the same may, from time to time, be seen and examined by any creditor or creditors of prisoner or prisoners, without fee or reward.

Oaths to be administered by the justices in court,

and entered and subscribed at the bottom of the lists.

Lists to be kept by the clerk of the peace.

III. And be it further enacted by the authority aforesaid, That all and every gaoler and gaolers, and keeper of any gaol or prison, is and are hereby required, ten days at least before the first or second general quarter session or general session of the peace shall be held, after the passing of this act, for the county, riding, division, city, town, place, or liberty, in which any gaol or prison shall be, or to which the same belong, to fix up in some conspicuous place or places in every such prison, and at the most frequented and usual gate, door, or entrance, into every such prison, three or more true copies of the list or lists proposed or intended to be delivered in by any such gaoler or keeper at the said general quarter sessions, or at some adjournment thereof.

Three copies of lists to be fixed up in each prison, etc.

IV. And be it further enacted, That all and every person and persons, whose name or names shall be inserted in any such list to be delivered in as aforesaid, who, upon the said twenty-eighth

Persons inserted in the lists being prisoners, without a

fraudulent
intention, on
Jan. 28, 1778,

and conform-
ing to this
act, shall be
discharged.

Persons arrest-
ed for debt,
and held to
bail, on or be-
fore Jan. 10,
1778, surren-
dering them-
selves on or
before Feb. 12,
1778, and con-
forming to
this act, shall
be discharged.

Justices, on
petition of
any prisoner,
and his deli-
vering a sche-
dule of his
estate,

may issue their
warrant for
bringing him
to the quarter
sessions, etc.
with the war-
rant of his
detainer, etc.

day of *January*, one thousand seven hundred and seventy-eight, were really and truly prisoners in the actual custody of any gaoler or gaolers, or keeper of any prison respectively of this kingdom, and did not come into or get his, her, or their names entered in the book of any gaol or prison as a prisoner or prisoners there, with a view or design to take the benefit of some act for relief of insolvent debtors, and who shall take the oath herein after mentioned, and shall perform, on his or her part, what is required to be done by him or her by this act, shall be for ever released and discharged from his or her imprisonment, in such manner as hereafter is provided.

V. Provided always, and be it enacted, That any person or persons who shall have been arrested and in actual custody of an officer, for any sum or sums of money by virtue of any writ or process, issuing out of any court of record, and held to bail thereon, and which bail shall be upon record, on or before the tenth day of *January*, one thousand seven hundred and seventy-eight, and who shall have, on or before the twelfth day of *February*, one thousand seven hundred and seventy-eight, surrendered him, her, or themselves, in discharge of his, her, or their bail, and shall thereupon have been committed to prison, every such person or persons shall, upon due proof of the premises upon oath, be discharged from his, her, or their imprisonment, in like manner as if such person or persons had been actually in prison on the twenty-eighth day of *January*, one thousand seven hundred and seventy-eight, subject, nevertheless, to the same restrictions and provisions, and a compliance with the like terms, conditions, and qualifications, herein-before imposed upon persons actually in custody on the twenty-eighth day of *January*, one thousand seven hundred and seventy-eight, and also subject to the same terms and conditions relating to the estate and effects of every such prisoner as aforesaid.

VI. And be it further enacted, That it shall and may be lawful for any justice or justices of the peace of any county, riding, division, city, town, place, or liberty, within this kingdom, upon the petition of any such prisoner or prisoners to any justice or justices of the peace, within his or their respective jurisdictions, upon every such prisoner or prisoners, so petitioning, and, at the time of his or her so petitioning, leaving with the justice or justices of the peace who shall be so petitioned, a true copy of the schedule, containing his or her intended discovery of his or her real and personal estate, to be sworn to at the first or second general quarter session next ensuing after every such petition, or some adjournment thereof, by warrant under his hand and seal, or their hands and seals, to require the sheriff or sheriffs, gaoler or gaolers, or keeper of any such prison within the jurisdiction of any such justice or justices, to bring before the justices, at the first or second next general quarter session or general session of the peace, or any adjournment thereof to be held, as the case shall happen to be, next after the expiration of ten days from the date of such warrant, for such respective county, riding, division,

vision, city, town, place, or liberty, the body of any person being in the said prison as aforesaid, with the warrant or warrants of his or her detainer, together with a copy or copies of the cause or causes which he, she, or they, is or are charged with in any such gaol or prison as aforesaid, at the time aforesaid; for which copy or copies of cause or causes, such prisoner shall apply to the said gaoler or keeper of such prison, or to the clerk of the papers, or other person who shall make out and transcribe the same, at least six days before the time of his or her discharge; and such prisoner shall pay for the same the sum of two shillings, and no more, for making out, transcribing, and signing the same; which warrant of every such justice or justices, every such sheriff and sheriffs, gaoler or keeper, is and are hereby commanded to obey.

VII. And be it also enacted, That the copy of every schedule which shall be left with any such justice or justices, shall, within ten days after the same shall be so left, be transmitted by the justice or justices, with whom the same shall be so left, to the clerk of the peace, town clerk, or other officer acting as clerk of the peace for the county, riding, division, city, town, place, or liberty, in which the same shall have been so left, there to remain and be inspected, from time to time, as occasion shall require, by any creditor of any such prisoner who shall desire to inspect the same.

Schedule of the prisoner's estate to be transmitted to the clerk of the peace,

for inspection or creditors.

VIII. And be it also enacted, That every such justice or justices who shall refuse or omit, for the space of ten days, to transmit the copy of the schedule, so left with him as aforesaid, to the clerk of the peace, town clerk, or other officer acting as clerk of the peace, for the county, riding, division, city, town, place, or liberty, in which the same shall have been so left, shall, for every such offence, forfeit and pay the sum of ten pounds; which shall and may be sued for and recovered in any of his Majesty's courts of record at *Westminster*, by action of debt, together with costs of suit, in the name of any person who shall prosecute for the same; and one moiety of which money forfeited shall, when recovered, go to the party who prosecutes for the same, and the other moiety thereof to the poor of the parish in which the offence shall be committed.

Any justice, omitting for ten days to transmit a copy of the schedule to the clerk of the peace, etc. shall forfeit 10l.

IX. And be it further enacted, That all and every prisoner and prisoners, who shall intend to petition to be discharged under this act, as aforesaid, shall first cause publick notice to be inserted in three several *London Gazettes*, previous to such general quarter session or general session, or the adjournment thereof, at which the said prisoner or prisoners shall apply to be discharged from any gaol in *London*, or within the weekly bills of mortality; and if such prisoner shall be in custody in any gaol out of *London*, or the weekly bills of mortality, then also in some newspaper, which shall be published in or near the county, riding, division, city, town, liberty, or place, in the gaol whereof he or she shall be so in custody; containing the name, trade, and occupation, and two last places of abode, if so many, of every such prisoner and prisoners, and the prison wherein he, she, or they, is or are

Prisoners intending to petition for their discharge, are to give previous notice thrice in the Gazette, etc.

Contents of the notice.

2 d. to be paid
each time for
inserting no-
tices.

When notices
to be inserted.

Printer of
Gazette to
keep an alpha-
betical list,
etc.

Every debtor
to deliver a
schedule of his
estate to the
gaoler, and to
declare the
same in his first
notice, etc.

On neglect
thereof, to be
remanded
back to prison.

Gaoler to at-
test the pri-
soner's signa-
ture to his
schedule, and
give him a du-
PLICATE there-

and also to
give a copy to
any creditor
who requests
it.

confined, and of his, her, or their intention to take the benefit of this act; and mentioning such notice in each *Gazette* or newspaper, to be the first, second, or third notice, according to the time of publishing each of such notices; and for the inserting of each of which said several notices in the said *Gazette*, or in any other newspaper, there shall be paid, each time, by every such prisoner, two-pence, and no more: the first of which said notices shall be so inserted in the said *Gazette*, or in the said other newspapers, as the case may require, twenty-one days at least, and the last of the said notices six days at least before any such first or second general quarter session, or general session, or adjournment thereof, shall be held as aforesaid; so that as well all the creditors who have not charged the said prisoner or prisoners in custody, as those creditors who have charged such prisoner or prisoners in execution, or on mesne process, or otherwise, may have sufficient notice thereof; and the printer of such *Gazette* is hereby required to keep a book, and enter therein an alphabetical list of the names of prisoners advertising and intending to take the benefit of this act, and the names of the different prisons in which they are confined.

X. *And, to the intent that all creditors may have full and sufficient time to consider the matters and things contained in the schedule or schedules intended to be delivered in by any debtor or debtors*, be it further enacted, That every such debtor, when he or she shall (according to the directions of this act) publish the first notice of an intention to petition for his or her discharge, he or she shall, in such notice, declare, that the schedule, containing his or her intended discovery of his or her real and personal estate, (to be sworn to in manner as by this act directed) is lodged in the hands of the gaoler or keeper, or the deputy of such gaoler or keeper, of the prison wherein any such prisoner shall be confined; and every such prisoner is hereby directed and required to deliver such schedule to such gaoler, keeper, or deputy, as the case may be, before he shall publish such first notice as aforesaid, signed by his or her own christian and surname; to be attested by any such gaoler, keeper, or deputy; and in case any prisoner shall neglect or refuse to deliver one such schedule to such gaoler, keeper, or deputy, prior to such his first notice to be given as aforesaid, he or she, upon due proof made of such neglect to the satisfaction of the court to which such prisoner shall make application for his discharge, shall be remanded back to prison, there to remain till he or she shall have complied with the directions aforesaid: and every such gaoler, keeper, or deputy, is hereby directed and required to attest the signature of the prisoner's name to such schedule, and to receive the same into his custody and charge, giving a duplicate thereof to every such prisoner, with an acknowledgement of his having received the original; and he is hereby further required to deliver a true copy of any such schedule, signed by himself, upon request made to him by any creditor for that purpose, in writing; such copy to be delivered to the creditor himself, or to such person as he shall appoint to receive the same, within three days

days after demand made, on payment for each schedule after the rate of sixpence *per* sheet, each sheet to contain seventy-two words; and so in proportion for any less number of words; and in case such creditor shall only search or examine such schedule, then such creditors shall pay for every such search and examination the sum of one shilling: and if any such gaoler, keeper, or deputy, shall neglect or refuse to conform to the directions hereby given him respecting such schedule, every such gaoler, keeper, or deputy, so offending, shall forfeit and pay the sum of twenty pounds, to any person who shall sue for and recover the same, in any of his Majesty's courts of record at *Westminster*, by action of debt.

Gaoler, etc.
on neglect, to
forfeit 20l.

XI. And be it further enacted, That the notices to be given by every prisoner, in manner directed by this act, shall be to the effect following; *viz.*

I, [insert the name, trade, occupation, and two last places of abode, if so many] *now confined in* [insert the name of the prison and county,] *do hereby give this publick notice, being* [insert the first, second, or third, as the case may be,] *that I do intend to take the benefit of an act, passed in the eighteenth year of his present Majesty's reign, (intituled, An act for the relief of insolvent debtors; and for the relief of bankrupts, in certain cases); [and if it be the first notice, then add] and I do hereby give notice, that a true and perfect schedule, containing a discovery of all my real and personal estate, hereafter to be sworn to, is now ready to be delivered to any creditor applying for the same, in manner aforesaid, to the gaoler or keeper, or his deputy, of* [insert the name of the prison wherein such prisoner shall be confined, and the county in which it is situate:]

Form of prisoner's notice.

And every such notice shall be signed by the prisoner, and countersigned by the gaoler or keeper, or deputy of such gaoler or keeper, of the prison wherein such prisoner shall be confined.

Notice to be signed by the prisoner, etc.

XII. And be it further enacted, That every such prisoner as aforesaid, who, in pursuance of any such warrant as aforesaid, shall be brought to the general quarter session, or any adjournment thereof, shall, in case it shall be proved upon oath, or by producing the said three *Gazettes* and newspapers before mentioned to the said justices, at any such session, or the adjournment thereof, that such notices were inserted in the *London Gazette*, and other newspapers, were required, in manner as hereinbefore is directed, and that the person or persons so petitioning was or were actually a prisoner or prisoners on the said twenty-eighth day of *January*, one thousand seven hundred and seventy-eight, or since, in the gaol or prison in which his, her, or their name or names is or are specified in the list of prisoners there delivered in at any such first or second session, or any adjournment thereof, as aforesaid, in pursuance of this act, shall, in open court, at the said general quarter session, or general session, or

Prisoner being brought into court, and publication of notices provided, etc.

to deliver in a schedule of his estate, any debts, etc.

any adjournment thereof, subscribe and deliver in a true schedule or account of all his or her real estate, either in possession, reversion, remainder, or expectancy; and also of the whole of his or her personal estate, which he or she, or any person or persons in trust for him or her, or for his or her use, benefit, or advantage, is or are seised of, interested in, or intitled to, or was or were in his or her possession, at any time since his or her commitment to prison, with the names of his or her several debtors, and where they respectively live, or may be met with; and the several sums of money from them respectively owing, and how the same respectively became due, and are secured; and if by mortgage, specialty, contract, note, or other writing, then the name and names and places of abode of the several witnesses who can prove such debts or contracts, (if there be any such), and shall also make oath and swear to the effect following; (that is to say:)

Prisoner's
oath on deli-
vering in the
schedule.

I A. B. upon my corporal oath, in the presence of Almighty God, do solemnly swear, protest, and declare, That on the twenty-eighth day of January, one thousand seven hundred and seventy-eight, I was a prisoner, or else [as the case may be] that since the said twenty-eighth day of January, one thousand seven hundred and seventy-eight, I have surrendered, or have been committed to the prison of in discharge of my bail, or for want of bail, [as the case shall be]; and that I was actually arrested, and in the custody of an officer, before the said twenty-eighth day of January, one thousand seven hundred and seventy-eight, in the action or suit, actions or suits, in which I surrendered, or was committed as aforesaid, to the said gaol or prison of and that I have, ever since my said surrender or commitment, continued a prisoner within the prison of in the actual custody of the gaoler or keeper of the said prison of or within the liberties thereof, at the suit of and without any fraud or collusion whatsoever; and that the schedule now delivered by me, and subscribed, doth contain, to the best of my knowledge, remembrance, and belief, a full, just, true, and perfect account and discovery of all the goods, effects, and estates, real and personal, either in possession, reversion, remainder, or expectancy, which I, or any person in trust for me, or for my benefit or advantage, are seised or possessed of, interested in, or intitled to, or was or were in my possession at any time since my commitment to prison; and of all debts as are to me owing, or to any person or persons in trust for me; and of all the securities, and contracts whereby any money now is, or will, or may hereafter become payable, or any benefit or advantage may accrue to me, or to my use, or to any person or persons in trust for me; and the names and places of abode of the several persons from whom such debts are due and owing; and of the witnesses that can prove such debts or contracts, [if any such there be]; and that neither I, nor any other person or persons in trust for me, or for my use, have any lands, money, stock, or any estate, real or personal, in possession, reversion, or remainder, or expectancy, other than what are in the said schedule contained, except wearing ap-
parel,

parel, and bedding for myself and family, working tools, and necessary implements for my occupation and calling, together with a sum of money not exceeding forty shillings, and these in the whole not exceeding the value of twenty pounds; and that I have not, nor any body for me hath, directly or indirectly, sold, lessened, or otherwise conveyed, disposed of in trust, or concealed, all or any part of my lands, money, goods, chattels, stock, debts, securities, contracts, or estate, real or personal, whereby to secure the same, or to receive or expect any profit or advantage thereof, or with intent to defraud or deceive any creditor or creditors to whom I am or was indebted in any-wise howsoever.

So help me GOD.

And the said schedule and oath shall be, by every such prisoner, subscribed in the presence of the justices in open session of the peace, as hereby is directed, and shall be kept by, and remain with, the clerk of the peace, town clerk, or other officer acting as clerk of the peace, for the county, city, liberty, division, town, or place, where the same shall be subscribed and taken, for the better information of all the creditors of such prisoner who shall desire, or may have occasion, to resort thereto; and every such creditor shall be at liberty, at seasonable times in the day-time, to peruse and examine the same.

Schedule and oath to be subscribed in the court, and lodged with the clerk for the examination of creditors.

XIII. And be it further enacted, That the justices within their respective jurisdictions, at any such general quarter session, or general session, or adjournment thereof, at the request of any creditor or creditors of any such prisoner, are hereby authorized to cause the deputy warden and marshal of the *Fleet and King's Bench* prison, and any other under officer, tipstaff, and turnkey of any gaol or prison, and any other person, to come before them, and to examine them respectively on oath, touching any of the matters contained in any of the oaths prescribed by this act to be taken, and the truth thereof; and if the oath which shall have been taken in open court by any prisoner or prisoners shall not be disproved by good testimony of any credible person or persons on oath, and such justices, or the major part of them, present at any such general quarter session, or general session, shall be satisfied with the truth of the oath taken by any such respective prisoner, then such justices shall, in such session, or some adjournment thereof, command the said sheriff or sheriffs, gaoler or gaolers, or keeper of such prison or prisons, forthwith to set at liberty such prisoner or prisoners, without having or taking any fee or reward, other than one shilling for his or their attendance with every such prisoner at such general quarter session, or general session, or any adjournment thereof, in order for his, her, or their discharge; (and which every such sheriff or sheriffs, gaoler or gaolers, keeper or keepers of such prison or prisons, is and are hereby authorized to receive and take for every such order:) and every such order shall be a sufficient discharge to the sheriff or sheriffs, gaoler or gaolers, or keeper of such prison or prisons, and shall indemnify

Court, at the request of a creditor, may examine gaoler, etc. on oath.

The prisoner's oath not being disproved, the court is to discharge him,

on his paying a fee of 1 s. to the gaoler;

who shall be indemnified for the escape.

him or them against any escape or escapes, or action or actions whatsoever for escape, which shall or may be brought, commenced, or prosecuted, against him or them.

Estate and effects of the prisoner, upon his discharge, to be vested in the clerk of the peace,

who is to make over the same to the assignees named by the court;

for which he shall be paid 2 s.

Assignees empowered to sue,

or execute any trust or power for the prisoner, etc.

Assignees to get in the effects of the prisoner, and sell the same;

XIV. And be it further enacted by the authority aforesaid, That all the estate, right, title, interest, and trust, of such prisoner, of, in, and unto, all the real estate, as well freehold and copy, as customaryhold, and to all the personal estate, debts, and effects, of every such prisoner, shall, immediately after the discharge of any such prisoner, be, and the same is hereby vested in the clerk of the peace, town clerk, or other officer acting as clerk of the peace, of and for the county, riding, city, town corporate, division, liberty, or place, where any such prisoner shall be respectively discharged; and every such clerk of the peace, town clerk, or other officer acting as clerk of the peace, is hereby directed and required to make an assignment and conveyance of every such prisoner's estate and effects, vested in such clerk of the peace, town clerk, or other officer acting as clerk of the peace, as aforesaid, to such creditor or creditors of the said prisoner, as the justices at any general quarter session of the peace, or at any adjournment thereof, which shall be held by them within their respective jurisdictions, shall order and direct, (which assignment and conveyance shall be good and effectual in law, to all intents and purposes whatsoever, without being wrote on parchment or paper stamped); and to vest the estates thereby assigned and conveyed in the party or parties to whom the same shall be so assigned and conveyed, his, her, and their heirs, executors, administrators, and assigns, according to the estate and interest the prisoner had therein; and for the preparing, ingrossing, and executing of which assignment and conveyance, no clerk of the peace, town clerk, or other officer acting as clerk of the peace, shall take any greater fee than two shillings; and every such assignment and conveyance shall be in trust for the benefit of the creditor or creditors of every such prisoner to whom the same shall be made, and the rest of the creditors of such prisoner, in respect or in proportion to their respective debts; and every person or persons to whom any such assignment and conveyance as aforesaid shall be made, is and are hereby fully empowered to sue, from time to time, as there may be occasion, in his, her, or their own name or names, for the recovery and attaining any estate or effects of any such prisoner, and also to execute any trust or power vested in, or created for the use or benefit of, any such prisoner, but in trust for the benefit of him or themselves, and the rest of the creditors of every such prisoner; and to give discharge and discharges to any debtor or debtors of any such prisoner, as shall be requisite: and every such assignee or assignees shall, with all convenient speed, after his or their accepting any such assignment or conveyance, use his and their best endeavours to receive and get in the estate and effects of every such prisoner; and shall, with all convenient speed, make sale of all the estates of such prisoner vested in such assignee or assignees; and if any such prisoner shall be interested

interested in, or entitled to, any real estate, either in possession, reversion, or expectancy, the same, within the space of two months after every such assignment and conveyance, shall be sold by publick auction, in such manner; and at such place, as the major part of the creditors of any such prisoner who shall assemble together, on any notice in writing published in the *London Gazette*, or in some daily paper, if the prisoner before his going to gaol resided in *London*, or in the weekly bills of mortality, and if elsewhere, then in some newspaper which shall be published in or near the county, riding, division, city, town, liberty, or place, in which such prisoner dwelt before he or she was committed to gaol, thirty days before any such sale shall be made, shall, under his hand, or their hands, agree on: and every such assignee or assignees, at the end of three months at farthest from the time of his or their accepting any such assignment or conveyance as aforesaid, shall make a just and fair dividend of all such prisoner's estate and effects which shall have been then recovered amongst his or her creditors, in proportion and in regard to each creditor's respective debts; but before any such dividend shall be made, such assignee or assignees shall make up an account of such prisoner's estate, and make oath in writing, before one or more justice or justices of the peace of the county, riding, division, town, liberty, or place, in which any such prisoner shall have been discharged, that every such account contains a just and fair account of the estate and effects of every such prisoner got in by or for such assignee or assignees, and of all payments made in respect thereof, and that all payments in every such account charged were truly, and *bona fide*, made and paid; and notice of the making of every such dividend shall be published in like manner as a meeting of the creditors is hereinbefore directed to be published, thirty days at least before the same shall be made; and no creditor shall be allowed to receive any share of such dividend, until he shall have made out the justness and identity of his respective debt by oath, or due proof in writing, before some such justice or justices: and if any creditor of such prisoner shall be dissatisfied with the reality or fairness of any debt claimed by any other creditor, then the same, at the request of any such creditor or creditors so dissatisfied, shall be examined into by the justices of the county, riding, division, city, liberty, or place, in which such prisoner shall have been discharged, at their next general quarter session, and what they shall there determine in the premises shall be conclusive to all parties: and if, after payment of all such prisoner's creditors, there shall any of his estate and effects remain after payment of all reasonable charges, the same shall be paid to such prisoner, his executors or administrators.

and to sell, within two months, the prisoner's real estate, etc.

and make a dividend within three months;

first making up their accounts, and verifying them upon oath.

30 days notice to be given of making a dividend: and none to receive any share until they have proved their debts. Debts claimed to be examined into and determined by the court.

Surplus of the prisoner's estate to be paid to him, etc.

XV. *And, to the intent that no loss may arise to any creditor or creditors from any neglect or omission in the schedule not containing the whole of the estate, real or personal, belonging to any prisoner who shall apply for his or her discharge, under the authority of this act, be it enacted, That all the estate, whether real or personal, which shall*

Creditors not to suffer from any omission in the sche-

dule of pri-
soner's estate.

belong to any prisoner or prisoners, and of which he, she, or they, shall be actually possessed at the time of making such schedule, shall be deemed and taken to be a part of the estate contained in such schedule, though not inserted therein, and shall in like manner become vested in the clerk of the peace, town clerk, or other officer acting as such, to all intents and purposes, as if the same had been contained in such schedule, and had been delivered into the court according to the directions of this act.

Proviso.

XVI. Provided always, and be it enacted, That no person holding any security whatsoever, for which the insolvent never received any valuable consideration, shall be intitled to receive any benefit from his estate.

On death or
removal of
any clerk of
the peace, etc.
prisoners es-
tates to be-
come vested in
their succes-
sors.

XVII. Provided always, and be it enacted, That in case of the death or removal of any clerk of the peace, town clerk, or other officer acting as clerk of the peace, as aforesaid, in whom the estate, right, title, interest, or trust, of any prisoner or prisoners shall have vested by the authority of this act; every such estate, right, title, interest, and trust, shall become vested in the successor or successors to every such clerk of the peace, town clerk, or other officer acting as clerk of the peace, as aforesaid, respectively, as the case may be, to all intents and purposes whatsoever, under the provisions of this act.

No suit in
equity to be
commenced,
but by con-
sent of ma-
jority in value
of creditors.

XVIII. Provided further, and be it also enacted, That no suit in equity shall be commenced by any assignee or assignees of any such prisoner's estate and effects, without the consent of the major part in value of the creditors of such prisoner, who shall meet together pursuant to a notice to be given in the *London Gazette* for that purpose.

Clerk of the
peace to exhi-
bit to the cre-
ditor, or his
attorney, on
payment of 1s.
the schedule
of any prison-
er's estate:

XIX. And be it further enacted by the authority aforesaid, That the clerk of the peace, town clerk, or other officer acting as clerk of the peace of every respective county, city, and county town, and county riding, division, cinque port, liberty, and place, with whom any schedules of the estates of any insolvent debtor or debtors, fugitive or fugitives, shall be left, and his successors, clerk of the peace, town clerk, or other officer acting as clerk of the peace as aforesaid, shall, on the reasonable request of any creditor or creditors of such insolvent debtor or debtors, fugitive or fugitives, or his or their attorney, produce and shew to such creditor or creditors, or his or their attorney, in the day-time, the schedule of the estates of any such insolvent debtor or debtors, fugitive or fugitives, which shall be left with any such clerk of the peace, town clerk, or other officer acting as clerk of the peace, or his predecessor in that office; the person so requiring to see and peruse any such schedule, paying or tendering to the clerk of the peace, town clerk, or other officer acting as clerk of the peace, in whose custody any such schedule shall be, or his deputy, the sum of one shilling for his trouble in searching for, and looking out, such schedule, and attending whilst the same shall be perused by the party or parties requiring to have the same looked out, and to peruse the same: and that

that a true copy of every such schedule, signed by the clerk of the peace, town clerk, or other officer acting as clerk of the peace, in whose custody the same shall be, or his deputy, purporting the same to be a true copy of such schedule, without being wrote on stamped paper, and for which copy no more shall be paid than sixpence by the sheet, (each sheet to contain seventy-two words, and so in proportion for a less number of words), shall, at all times, be admitted in all courts whatsoever as legal evidence of the same: and if any clerk of the peace, or his deputy, town clerk, or other officer acting as clerk of the peace, shall, on reasonable request as aforesaid, neglect or refuse to produce to any such creditor or creditors as aforesaid, or his or their attorney, any such schedule as aforesaid, and to permit the same to be inspected as aforesaid, in the day-time, on such payment or tender as aforesaid being made to him; or shall ask or take more than after the rate of sixpence by the sheet, each sheet to contain seventy-two words, and so in proportion for less than seventy-two words in a sheet; or shall refuse to make and deliver a copy of any such schedule, on being requested as aforesaid so to make the same, and having the money tendered to him for payment of such copy, after the rate aforesaid; shall, for every such offence, forfeit and pay the sum of ten pounds; which shall and may be sued for and recovered in any of his Majesty's courts of record at *Westminster*, by action of debt, together with treble costs of suit, in the name of any person who shall prosecute for the same: and one moiety of which money forfeited shall, when recovered, go to the party who prosecuted for the same, and the other moiety thereof to the poor of the parish in which the offence shall be committed.

attested copy whereof to be deemed legal evidence.

Clerk of the peace refusing to produce such schedule, or to deliver a copy thereof, etc.

shall forfeit 10 l. and treble costs.

One moiety to the prosecutor, and the other to the poor of the parish.

XX. Provided always, and be it enacted, That before such time as any assignee or assignees aforesaid shall enter on, or take any profit from, any copyhold or customary estate, as aforesaid, he or they shall agree and compound with the lord or lords of the manor or manors of whom the same shall be holden, for the payment of such fine or income as, upon any surrender and admission thereto, hath heretofore been most usually accustomed to be paid; and that upon every such agreement or composition, the said lord or lords for the time being, at the next court, or some subsequent court, which shall be holden for the said manor or manors, after such agreement made, shall admit such assignee or assignees tenant to such copyhold or customary premises, according to the custom of the said manor or manors of which the same shall be holden, for and during such estate and interest as the said prisoner had therein at the time of his or her being discharged as aforesaid, reserving the rents, duties, heriots, customs, and services, payable and to be rendered in respect of the said copyhold or customary premises.

Assignees of copyhold or customary estates to compound with the lord of the manor,

and to be admitted tenants thereupon.

XXI. Provided also, That nothing herein contained shall extend to prejudice or affect any estate or interest, or right whatsoever, of any other person or persons, other than the said prisoner or fugitive, which may be expectant upon, or subject unto, the

The prisoner's right and interest, etc. only to be affected by this act.

the estate and interest of the said prisoner or fugitive, hereby vested in the said clerk of the peace, town clerk, or other officer acting as clerk of the peace; but that the estate, interest, and right whatsoever, of every other person or persons, shall remain, continue, and be saved to them, in the same manner as if this act had not been made.

All mortgages, etc. to take place preferable to claims of an inferior nature.

XXII. Provided also, and be it enacted by the authority aforesaid, That nothing in this act shall extend, or be construed to hinder or prevent any mortgage or mortgages upon the estate of such prisoner or prisoners, or any part thereof, to take place upon the lands, tenements, or hereditaments, comprised in such mortgage or mortgages respectively; nor to prevent any statute-staple, statute-merchant, recognizance, or judgement, acknowledged by or obtained against any such prisoner or prisoners, to take place upon the lands, tenements, or real estate, of such prisoner or prisoners; and also where any inquisition shall have been taken upon any such statute or recognizance, or any writ or execution shall have been taken out and delivered to the sheriff or proper officer, upon any such judgement before such discharge shall be given in open session to any such person as aforesaid, the personal estate of every such prisoner respectively shall be subject thereto, in the first place, for so much as shall remain due upon such mortgage, statute, recognizance, or judgement respectively, in like manner as such mortgagees and creditors, by statute, recognizance, or judgement, would have been preferred to other creditors of an inferior nature, against the real or personal estate of such prisoner and prisoners respectively, if this act had not been made; any thing herein-before contained to the contrary thereof in any wise notwithstanding.

Powers in prisoners of leasing lands, etc. vested in assignees.

XXIII. *And whereas many persons who may be intitled to, and claim the benefit of this act, are seized and possessed of lands, tenements, and hereditaments, to hold to such prisoners for the term of their natural lives, with power of granting leases, and taking fines, reserving small rents on such estates, for one, two, or three lives, in possession or reversion, or for some number of years determinable upon lives, which said powers ought to be executed for the benefit of the creditors of such prisoners;* be it therefore enacted by the authority aforesaid, That in every such case, all and every the powers of leasing such lands, tenements, and hereditaments, which are or shall be vested in any such prisoner or prisoners, as aforesaid, shall be, and are hereby vested in the assignee or assignees of the real and personal estate of such prisoner, by virtue of this act, to be by such assignee or assignees executed for the benefit of all and every the creditors of such prisoners as aforesaid.

The acting gaoler, at the time of deli-

XXIV. *And whereas, in some gaols or prisons in this kingdom, the office of gaoler or keeper is held in fee for life, or otherwise, by persons who never act as gaolers or keepers themselves, or know any thing of the prisoners therein, but depute or employ some person or persons under them as gaolers or keepers of such gaols or prisons;* be it therefore enacted, That, in every such case, the person who shall have been actually employed and acted as deputed gaoler or keeper

keeper of any such gaol or prison, at the time of the delivering in the lists, hereby directed to be delivered in, of prisoners in any such gaol or prison, at any general quarter sessions of the peace, or some adjournment thereof, and not the principal gaoler or keeper, (unless where such principal gaoler or keeper shall act as gaoler or keeper himself,) shall take the oath herein-before appointed to be taken by the gaoler or keeper of every such gaol or prison.

vering the
lists, only lia-
ble to be
sworn.

XXV. And be it enacted by the authority aforesaid, That the justices at any general quarter session of the peace, or adjournment thereof, to which any prisoner shall be brought in pursuance of this act, shall, if required by any creditor or creditors of any such prisoner or prisoners, who shall oppose his or her discharge, administer and give to the gaoler, or the person who acts as gaoler or keeper of any such prison, at the time of bringing up any such prisoner, in order to be discharged under this act, an oath to the following effect; (that is to say):

Court, on re-
quisition of a
creditor, to
administer an
oath to the
gaoler.

I A. B. do swear, That *was really and truly a* The oath.
prisoner in my custody, in the prison of
to the best of my knowledge and belief, at or upon the twenty-eighth
day of January, one thousand seven hundred and seventy-eight; and
that the copy or copies of the cause or causes of his [or her] commit-
ment or detainer, now by me brought with the body of the said
and produced to this court, is or are a true copy
or copies of the cause or causes of such detainer or commitment, with-
out any fraud or deceit by me, or any other person whatsoever, to the
best of my knowledge and belief.

So help me G O D.

And if any person who was gaoler or keeper, or deputed gaoler or keeper, of any such gaol or prison, on the said twenty-eighth day of *January*, one thousand seven hundred and seventy-eight, or since, shall not happen to be the gaoler or keeper, or deputed gaoler or keeper, of any such gaol or prison, at the time any such list as aforesaid is hereby required to be delivered in, then the justices, at any such session, or at any adjournment thereof, may and are hereby required to administer and give to the respective person or persons, who shall be gaoler or keeper, or deputed gaoler or keeper of any such gaol or prison, and deliver in any such list as aforesaid, at any such general or quarter session, or any adjournment thereof, an oath, touching the commitments, or books of commitment, of any such prison, to the effect following; (that is to say):

If such person
shall not have
been gaoler
on Jan. 28,
1778, then he
shall take the
following

I A. B. do swear, That *I have examined the commitments, or books* Oath.
kept of or concerning the commitment, of prisoners to the prison of
in the [county, riding, division, city, town, place, or liberty
of *as the case shall be]; and that I do verily believe that*
the said commitments, or books of commitment, are really true, and
not fictitious, nor calculated for this purpose; and by them it doth ap-
pear

pear that was, on the twenty-eighth day of January, one thousand seven hundred and seventy-eight, really and truly a prisoner in the actual custody of *the then gaoler or keeper, or deputed gaoler or keeper, of the said prison, without fraud or deceit by me, or any other person or persons, to my knowledge and belief.*

So help me G O D.

Comt. at the request of a creditor, may summon the person who acted as gaoler on Jan. 28, 1778, or since,

and examine him, on oath, etc.

Sheriff or gaoler, disobeying order of court, to forfeit 100 l. with treble costs.

XXVI. *And, in order to discover any fraudulent entries or commitments of prisoners in any gaol books,* be it further enacted by the authority aforesaid, That the justices, at any general or quarter session of the peace, or any adjournment thereof, are hereby authorised, at the request of any creditor or creditors of any prisoner, to convene before them, at some certain time to be appointed by them, any person or persons who was or were gaoler or keeper, or deputed gaoler or keeper, of any gaol or prison within their respective jurisdictions, on the said twenty-eighth day of *January*, one thousand seven hundred and seventy-eight, or at any time since; and to examine every such gaoler or keeper, or deputed gaoler or keeper, on oath, touching the commitment and continuance in custody of any such prisoner, as the justices, at any such general or quarter session, or adjournment thereof, shall think fit: and if any sheriff, gaoler, or keeper, or deputed gaoler or keeper, shall neglect or refuse to bring before such justices, at any session of the peace, or adjournment thereof, any prisoner as shall be directed and required by warrant of any justice or justices as aforesaid, or to attend on being summoned for that purpose; or if any gaoler or keeper attending, shall refuse to make answer and discovery in the premises, as shall be reasonably required at such general or quarter session, or any adjournment thereof, he, she, or they, so offending in the premises, shall, for every such offence, forfeit and pay the sum of one hundred pounds; to be recovered, by and in the name, and for the use, of the party injured, by action of debt, to be brought in his or her name, in any of his Majesty's courts of record at *Westminster*, together with treble costs of suit.

XXVII. *And whereas a great number of workmen, skilful in the several trades and manufactures of this kingdom, and also many able seamen and mariners, finding themselves unable to satisfy the whole of their respective debts, and dreading the miseries of a gaol, have chose to leave their employments and native country, and have entered themselves in foreign service: and whereas their continuance abroad must be of great prejudice to the trade of this kingdom; in order therefore to induce and enable such persons to return,* be it enacted by the authority aforesaid, That all and every debtor and debtors, who was or were actually beyond the seas, in foreign parts, on the tenth day of *March*, one thousand seven hundred and seventy-eight, and did not go into such foreign parts with the view or intent to gain or have the benefit of an insolvent debtor's act, who shall return and surrender himself or themselves, within fourteen days next immediately after his or their landing in *England*, unto the gaoler

Debtors who were beyond the seas on Jan. 28, 1778, surrendering themselves, may take the benefit of this act,

gaoler or gaolers, keeper or keepers of the prisons of the *King's Bench, Marshalsea, or Fleet*, or to the gaoler or keeper, or deputed gaoler or keeper; of the prison or prisons of such county, city, town, riding, division, liberty, or place, where such debtor or debtors last dwelt, for the space of six months, (which said gaoler or gaolers, keeper or keepers, is and are hereby required and impowered to receive and detain such debtor or debtors, surrendering as aforesaid, in order to their discharge, as hereinafter mentioned), and who, from and immediately after such surrender, do continue in actual custody of such gaoler and gaolers, keeper or keepers, until the time of his discharge, shall be deemed a prisoner or prisoners within, and be, to all intents and purposes, intitled to, the benefit of this act; and shall, upon due proof of the said premises, by the oath of such debtor or debtors (not disproved by any credible witness), be discharged in the same manner as if he, she, or they, had been actually in prison on the said twenty-eighth day of *January*, one thousand seven hundred and seventy-eight, and continued therein as aforesaid; subject nevertheless to the same restrictions and provisions, and a compliance with the like terms, conditions, and qualifications, herein-before imposed upon the said prisoners actually in custody upon the said twenty-eighth day of *January*, one thousand seven hundred and seventy-eight, and also subject to the terms and provisions relating to the estate and effects of such prisoner, as aforesaid; excepting only such particulars thereof as require the name of a prisoner to be inserted in the gaoler's or keeper's list, as aforesaid, as relate to the oaths of such gaoler or keeper herein-before appointed to be taken; which particulars cannot possibly be applied to the case of persons surrendering themselves as aforesaid; and also except the said oath herein-before appointed to be taken by prisoners in custody upon the said twenty-eighth day of *January*, one thousand seven hundred and seventy-eight, instead whereof, the person or persons so surrendering shall take an oath, in open court, at some general or quarter session of the peace, or some adjournment thereof, of the county, city, town, riding, division, place, or liberty, in the prison of which any such fugitive or debtor shall be held, after the surrender of any such fugitive or debtor, to the effect following; which the said justices, authorised to put this act in execution, are hereby required and impowered to administer in such manner as the oaths herein-before mentioned are to be administered.

I A. B. upon my corporal oath, in the presence of Almighty God, solemnly swear, protest, and declare, That I was actually on the tenth day of March, one thousand seven hundred and seventy-eight, beyond the seas in foreign parts, videlicet, at
 and that I did, within fourteen days next immediately after my landing, surrender myself to the custody of the keeper of
 [as the case may be]; and that I have ever since
 such my surrender continued a prisoner in his custody; and that the
 schedule

upon the same terms as other prisoners,

except in certain particulars.

Fugitive's oath.

schedule now delivered, and by me subscribed, doth contain, to the best of my knowledge, remembrance, and belief, a full, just, true, and perfect account and discovery, of all the real estate, goods, effects, and other personal estate, in any wise belonging to me; and also all of such debts as are to me owing, or to any person or persons in trust for me; and of all the securities and contracts whereby any money now is, or will or may hereafter become payable, or whereby or wherefrom any benefit or advantage may accrue to me, or to my use, or to any other person or persons in trust for me; and the names and places of abode of the several persons from whom such debts are due and owing; and of the witnesses that can prove such debts or contracts, [if any such there be]; and that neither I, nor any persons in trust for me, is or are seised of any real estate, in possession, reversion, or remainder, or expectancy, or of any personal estate of any kind whatsoever, other than what are in the said schedule contained; except my wearing apparel, and bedding for myself and family, my working tools, and necessary implements for my occupation and calling, together with a sum of money not exceeding forty shillings, and not exceeding in the whole the value of twenty pounds; and that I have not, directly or indirectly, sold, lessened, or otherwise conveyed, disposed of in trust, or concealed, all or any part of my real estate, money, goods, chattels, stocks, debts, securities, contracts, or personal estate whatsoever, whereby to secure the same, so as to receive or expect any profit or advantage therefrom to myself or family, or with any view, intent, or design, to defraud or deceive any creditor or creditors, to whom I am indebted in any wise howsoever, or prevent their recovering or attaining their respective debts.

So help me GOD.

Fugitive arrested, intending to surrender, intitled to the benefit of this act.

XXVIII. Provided also, and be it enacted, That if any fugitive intending to surrender to the terms of this act, shall, within the space before-mentioned of fourteen days, be arrested in any suit or action, which cause of action accrued before the said tenth day of *March*, one thousand seven hundred and seventy-eight, such fugitive giving notice (as before directed) to any justice of the peace at the next general quarter session or general session; and, in all other respects, complying with the terms and conditions of this act, shall be intitled to the benefit of the same; and every sheriff, bailiff, or officer, gaoler, or keeper of a prison, in whose custody such fugitive shall be detained, shall conform him or themselves to the directions of this act, in like manner as before-mentioned.

XXIX. *And whereas a great number of commission and warrant officers, in his Majesty's sea and land service, who, through unavoidable misfortunes, have involved themselves in debt, are now unable, though willing, to serve their king and country, because, to avoid the disgrace and shame of a prison, they have taken shelter in privileged places, and cannot come forth without danger of being immediately arrested, or have been thrown into prison, without hopes of being released by any discharge of their debts, and are therefore become useless and a heavy burthen, instead of being serviceable to the state: and whereas many*

of

of them are not under the description of those persons who can take benefit by the provisions of this act, without some extension thereof, yet are very proper objects of such relief as is hereby intended to be given; be it therefore enacted, That all and every commission or warrant officer or officers, in his Majesty's sea or land service, now upon the full or half-pay list, who shall, on or before the twenty-sixth day of *June*, one thousand seven hundred and seventy-eight, surrender himself or themselves to the gaoler or keeper of any of his Majesty's prisons, in such manner as is herein directed for fugitive debtors returning from foreign parts, who mean to claim the benefit of this act, and who shall, subsequent thereto, conform themselves in all respects to the like terms and conditions prescribed to such fugitive debtors, (except as to so much of the oath required to be taken by them, as declares that such debtors were in foreign parts on a certain day, and did surrender within fourteen days after their return;) instead whereof, every such debtor shall swear, that he did, on or before the twenty-sixth day of *June*, one thousand seven hundred and seventy-eight, [*as the case may be*], surrender himself to the custody of the gaoler or keeper of [insert the name of the prison], and who shall, in all other respects, take the same oath as every such fugitive debtor is required to do, shall be deemed and taken to be a prisoner or prisoners within the true meaning of this act, and be intitled to the benefits thereof, to all intents and purposes whatsoever.

XXX. *And whereas divers persons are under a necessity of residing abroad, to avoid being thrown into goal on account of annuities by them granted as a means of raising money either to themselves, or others for whom they have become surety, and such persons cannot have the benefit of a discharge by virtue of this act, in respect of the accruing payments of such annuities subsequent to the twenty-eighth day of January, one thousand seven hundred and seventy-eight;* be it therefore further enacted by the authority aforesaid, That all and every person or persons who was or were actually beyond the seas in foreign parts to avoid being thrown into gaol on account of debts so contracted on or before the said twenty-eighth day of *January*, one thousand seven hundred and seventy-eight, and who shall surrender himself or themselves to the gaoler or keeper of any of his Majesty's prisons, in such manner as is herein directed for fugitive debtors returning from foreign parts who mean to claim the benefit of this act, and who shall, subsequent thereto, conform themselves in all respects to the like terms and conditions prescribed to such fugitive debtors, shall, notwithstanding the penal sum contained in any bond, judgement, or other assurance, whereby such annuity may have been secured, should be larger than the sum limited by this act, be intitled to the benefits of this act to all intents and purposes; and such person or persons, so conforming, shall not afterwards be arrested, or held to bail, or liable to imprisonment, on account of the accruing payment of any annuity thencefore granted or secured, or in respect of any bond, judgement, or other

Any commission or warrant officer, who shall surrender himself, as is herein directed for fugitive debtors, before June 26, 1778, shall be intitled to the benefit of this act.

Persons beyond the seas on account of annuities granted before Jan. 28, 1778, who shall surrender themselves as fugitive debtors, etc. shall be intitled to the benefit of this act.

assurance, made, entered into, or obtained, for securing the payment of any such annuity.

Exception.

XXXI. Provided always, That no person shall be intitled to be discharged from his imprisonment, under the provisions of this act, where the annuity secured to any one creditor shall exceed the sum of one thousand pounds unless by the consent of such creditor.

Future estates of such debtors to be liable to payment of annuities.

XXXII. Provided also, That nothing herein contained shall extend to exempt or discharge the future estate or effects, real or personal, of any such debtor or debtors, as are last hereinbefore mentioned, from being liable to the payment of such annuity debts as aforesaid.

Gaoler, or printer of the Gazette, etc. not complying with the regulations of this act, to forfeit 100 l. for each offence, with treble costs.

XXXIII. And be it further enacted by the authority aforesaid, That if any gaoler or keeper of any prison, or his deputy or deputies, shall, without just cause, to be approved of by the justices at some general quarter session or general session of the peace, or adjournment thereof, within their respective jurisdictions, refuse or delay to bring any such prisoner or prisoners as aforesaid, to any such general quarter session, or general session, or some adjournment thereof, in order to his or her discharge, or shall neglect, refuse, or designedly omit to insert, in any such list, the name or names of any such prisoner or prisoners who was or were actually in custody in his or their respective gaol or prison, on the said twenty-eighth day of *January*, one thousand seven hundred and seventy-eight, or since; or shall neglect or refuse to make out, fix up, or deliver such lists as aforesaid; or if any such gaoler or keeper, or deputed gaoler or keeper, shall neglect or refuse to take any of the said oaths before mentioned, and hereby required to be taken by him; or shall, upon any account or pretence whatsoever, take or receive more than the said sum of one shilling hereinbefore allowed for his or her attendance in order to be discharged of such prisoner or prisoners as aforesaid; or shall detain any such prisoner after he or she shall be discharged as aforesaid; or if the printer of the *London Gazette*, or other newspaper as aforesaid, shall wilfully refuse or neglect to insert therein the notice by this act directed to be given, on reasonable request to him made for that purpose, and tender of the money hereby directed to be paid; or shall take or receive any fee or gratuity more than two-pence as aforesaid for doing thereof; every such gaoler and keeper of such prison or prisons, his deputy or deputies, and every such printer as aforesaid, shall respectively forfeit and pay to each prisoner, in any such case injured, the sum of one hundred pounds; which shall and may be recovered, with treble costs of suit, by action of debt, bill, plaint, or information, in any of the courts of record at *Westminster*, wherein no essoin, protection, or wager of law, or more than one imparlance, shall be allowed.

Gaoler convicted of perjury, to forfeit 500 l. with full costs, etc.

XXXIV. And be it further enacted by the authority aforesaid, That if any such gaoler or gaolers, or keeper or keepers, or any deputed gaoler or keeper, of any prison, shall, in taking of the afore-mentioned oaths, forswear or perjure himself, and shall

shall thereof be lawfully convicted, such gaoler or keeper, or deputed gaoler or keeper, of such prison or prisons, (over and above such penalties as may be inflicted on persons convicted of perjury), shall, upon every such conviction, forfeit and pay the sum of five hundred pounds; to be recovered with full costs, by bill, plaint, or information, or action of debt, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, or wager of law, shall be allowed, by and in the name of such person or persons, his and their executors and administrators, to whom any assignment or conveyance, in pursuance of this act, shall be made, of the estate and effects of such prisoner or prisoners; and if no such assignee or assignees shall be living, then in the name or names of any other creditor or creditors who shall sue for the said penalties; to be applied, One moiety to the informer or informers, and the other moiety towards satisfaction of the debts of such his creditor or creditors.

Application of the penalty.

XXXV. And be it further enacted, That if any clerk of the peace, or his deputy, or town clerk, or other officer acting as clerk of the peace, shall delay or refuse to give every or any such prisoner so discharged as aforesaid, within fourteen days after his or her discharge, a copy of the order of his or her discharge, on the payment of two shillings and sixpence; or shall take more than the sum of two shillings and sixpence for such copy; or shall take more than one shilling for an assignment or conveyance of such prisoner's estate or effects; every such clerk of the peace, or his deputy, or town clerk, or other officer acting as clerk of the peace, who shall so offend, and who shall be convicted at any such general or quarter session of the peace, or any adjournment thereof, of any such offence, shall, for every such offence, forfeit and pay to every such prisoner the sum of twenty pounds, as the justices of the peace, at any such general or quarter session of the peace, or adjournment thereof, shall order; and who are hereby impowered to cause the same to be levied by distress and sale of the goods of any such clerk of the peace, or his deputy, or town clerk, or other officer acting as clerk of the peace, so offending.

Clerk of the peace refusing a prisoner a copy of his discharge,

or taking exorbitant fees,

shall forfeit 20 l. to the prisoner.

XXXVI. And be it further enacted by the authority aforesaid, That if any prisoner as aforesaid, or any other person or persons who shall take the benefit of this act, shall forswear and perjure himself, or themselves, in any oath to be taken under this act, and shall be lawfully convicted thereof, he, she, or they, so offending, shall be adjudged guilty of felony.

Prisoner, etc. convicted of perjury, to be deemed guilty of felony.

XXXVII. And be it further enacted by the authority aforesaid, That no person to be discharged by this act shall, at any time hereafter, be imprisoned by reason of any judgement or decree obtained for payment of money only, or for any debt, bond, damages, contempts, costs, sum or sums of money, contracted, incurred, occasioned, owing, or growing due, before the said twenty-eighth day of *January*, one thousand seven hundred and seventy-eight; but that upon every arrest upon every judgement, or such decree, or for such debts, damages, contempts,

Persons discharged by this act, not liable to imprisonment for debts, etc. contracted before Jan. 28, 1778:

costs, sum and sums of money, it shall and may be lawful for any judge of the court where the process issued, or for any two justices of the peace, upon shewing the copy of the order of such prisoner's discharge or discharges, to release and discharge out of custody such prisoner or prisoners as aforesaid; and shall, at the same time, order the plaintiff or plaintiffs, in such suit or suits, to pay such prisoner or prisoners the costs he, she, or they, shall have incurred on such occasion, or so much thereof as to such judge or justices shall seem just and reasonable; and every such judge is hereby impowered so to do on such prisoner's causing a common appearance to be entered for him in every such action and suit.

XXXVIII. *And whereas, under former acts of this kind, doubts have arisen, what was to be done with such prisoners who applied at any session to be discharged, who owed and stood charged with debts, as well previous as subsequent to the day limited by the respective acts; to remedy which, be it therefore enacted by the authority aforesaid, That no prisoner or prisoners shall be discharged of any debts subsequent to the twenty-eighth day of January, one thousand seven hundred and seventy-eight; and if it shall appear to the justices, in any session or adjournment, that any prisoner or prisoners, then applying to them to be discharged, shall stand charged as well with debts previous to as subsequent to the said twenty-eighth day of January, one thousand seven hundred and seventy-eight, that, in such cases, it shall and may be lawful to and for the justices to discharge the person of such prisoner on account of all debts previous to the said twenty-eighth day of January, one thousand seven hundred and seventy-eight, and to remand him or her back to the custody of the keeper of the prison from whence he or she was brought, for all debts with which he or she stands charged with in his custody, subsequent to the said twenty-eighth day of January, one thousand seven hundred and seventy-eight.*

but no prisoner to be discharged of debts subsequent thereto.

Justices, etc. may plead this act to any action brought against them,

and recover treble costs.

Persons discharged may plead generally, etc. to all actions or judgements brought against them before Jan. 28, 1778, etc.

XXXIX. And be it further enacted by the authority aforesaid, That if any action of escape, or any suit or action, be brought against any justice or justices of the peace, sheriff, gaoler, or keeper of any prison, for performing their office, in pursuance of this act, they may plead the general issue, and give this act in evidence; and if the plaintiff be nonsuited, or discontinue his action, or verdict pass against him, or judgement upon demurrer, the defendant shall have treble costs.

XI. And be it further enacted by the authority aforesaid, That if any *scire facias*, or action of debt, or upon judgement, shall be brought against any prisoner, his or her heirs, executors, or administrators, upon any judgement, obtained against any such prisoner or on any statute or recognizance acknowledged by him or her, before the said twenty-eighth day of January, one thousand seven hundred and seventy-eight, with respect to prisoners in actual custody, or with respect to debtors beyond the seas as aforesaid, upon the said tenth day of March, one thousand seven hundred and seventy-eight, it shall be lawful for any such

such prisoner, his or her heirs, executors, or administrators, to plead generally that such prisoner was actually a prisoner in such prison at such a person's suit on the twenty-eighth day of *January*, one thousand seven hundred and seventy-eight, or was or were beyond the seas in foreign parts on the tenth day of *March*, one thousand seven hundred and seventy-eight; and was or were duly discharged according to this act, at the general quarter session or general session, or adjournment thereof, held at such time and place, for such county, riding, division, liberty, city, town, or place, (as his, her, or their case is,) without pleading any matter specially, and in case any other suit or action shall be commenced against him, her, or them, for any other debt, sum or sums of money, due before the said twenty-eighth day of *January*, one thousand seven hundred and seventy-eight, or the tenth day of *March*, one thousand seven hundred and seventy-eight, to plead in discharge of his or her person from execution, (over and above such matters as aforesaid,) that such debt or sum of money (as the case shall happen) was contracted or due before the said twenty-eighth day of *January*, one thousand seven hundred and seventy-eight, or the tenth day of *March*, one thousand seven hundred and seventy-eight, without pleading any other matter specially; whereto the plaintiff shall or may reply generally, and deny the matters pleaded as aforesaid, or reply any other matter or thing which may shew the said defendant not to be intitled to the benefit of this act, or not duly discharged according to it, in the same manner as the plaintiff might have replied, in case the defendant had pleaded this act, and his discharge, by virtue of this act, specially, and if the plaintiff be nonsuited, discontinue his action, or verdict pass against him, or judgement on demurrer, the defendant to have Treble costs.

and in other suits, may plead in discharge of their persons from execution.

Plaintiff may reply generally, etc.

but if nonsuited, to pay treble costs.

XLI. Provided always, That nothing in this act contained shall extend, or be construed to extend, to release or discharge any attorney at law, or solicitor, or any other person or persons acting, or pretending to act as such, with regard to any debt with which he or they shall stand charged for any money, or other effects, recovered and received by him or them, for the use of any person or persons, bodies corporate or politick, and by any attorney, solicitor, or other person or persons acting as such, embezzled, concealed, or converted, to his or their own use, or to release or discharge any servant or agent, or any person or persons employed or intrusted as such, with regard to any debt or demand with which he, she, or they shall stand charged, for and on account of any money, goods, or other effects, received or possessed by him, her, or them, for the use, and on account of his, her, or their master or masters, or employers, and by such servant or agent embezzled, concealed, or converted to his, her, or their own use; any thing hereof contained to the contrary thereof in any-wise notwithstanding.

Attornies or persons embezzling money, etc excluded the benefit of this act.

XLII. And whereas many evil-disposed persons, to support their profligate way of life, have, by various subtle stratagems, threats, and devices, Persons who, by false pretences, have

obtained money, goods, etc excluded the benefit of this act.

devices, fraudulently obtained divers sums of money, goods, wares, merchandizes, bonds, bills of exchange, promissory notes, or other securities for money, to the great injury of industrious families, and to the manifest prejudice of trade and credit; be it enacted, That no prisoner, who knowingly and designedly, by false pretence or pretences, shall have obtained from any person or persons, money, goods, wares, merchandizes, bonds, bills of exchange, promissory notes, or other securities for money, shall have or receive any benefit or discharge by or under this act; but the justices, at any general or quarter session of the peace, or any adjournment thereof, before whom any such prisoners shall be brought, upon due proof of the matter, made to their satisfaction, shall remand such prisoner to the custody of the gaoler or keeper of the prison from whence he or she shall have been brought; any thing herein contained to the contrary notwithstanding.

Any person having sold or assigned any part of his estate or effects, after being in custody, with design to defraud his creditors, shall lose the benefit of this act.

XLIII. And whereas many debtors have, with a view to defraud their creditors, sold, transferred, conveyed, or assigned their estate and effects to some person or persons, subsequent to their being in custody of law, or imprisoned under some process for debt: and whereas such sale, transfer, conveyance, or assignment, has been frequently made, to the infinite prejudice of the fair and honest creditor, though sufficient proof could not be obtained to convict the party of a fraudulent design; be it enacted, That whenever it shall be proved by one or more credible witness or witnesses to the satisfaction of the court, to which any prisoner shall be brought up, in order to obtain his or her discharge, that such prisoner has sold, transferred, conveyed, or assigned, to any person or persons, all or any part of his estate or effects, subsequent to the time of his imprisonment, or of his being in custody of law, without just cause for so doing, to be allowed by the justices presiding in such court as aforesaid; every such prisoner shall lose all the benefits and advantages that he might have otherwise claimed under the authority of this act, and shall not be intitled to his or her discharge: and every such sale, transfer, conveyance, or assignment, is hereby declared to be null and void.

Gaoler to permit the speaking in private to prisoners, whose names are inserted in the list, or gazette, etc.

and the examining original books of entries, etc.

on penalty of £100. with costs

XLIV. And be it further enacted by the authority aforesaid, That every gaoler or keeper of any prison shall, and is hereby required to suffer, in the day-time, any person or persons desiring the same, to see and speak, in the lodge, or some convenient room in the said prison, with any prisoner or prisoners, whose names are inserted in the afore-mentioned list or lists, or London Gazette, or other newspapers, or any of them, or any persons surrendering themselves pursuant to this act; and also see, in the true and genuine books of the said prison, the entries made of the name or names of such prisoner or prisoners, together with the name or names of the person or persons at whose suit or suits he, she, or they, are detained: and if any such gaoler or keeper shall neglect or refuse to comply with what is here above required, every such gaoler or keeper, who shall so offend in the premises, shall forfeit and pay, to the person so refused and aggrieved,

the sum of forty pounds; to be recovered, with costs of suit, by action of debt, bill, plaint, or information, in any of the courts at *Westminster*, wherein no essoin, protection, wager of law, or more than one imparlance, shall be allowed, by and in the name or names of the person or persons so refused and aggrieved.

XLV. *And whereas several persons, who have taken the benefit of acts of insolvency, from a difficulty of obtaining a new credit to set themselves up in their usual trades and occupations, (as their future effects have been made liable to their debts previous thereto) have gone abroad for the better maintainance of themselves and families, carrying the arts and manufactures of this country to our enemies, or rivals in trade: in order to prevent such evil for the future, be it enacted,* That the future real estates, as well freehold and copyhold, as customary copyhold, salaries of offices under government money, or money in the funds, or lent upon real security only, of every such person or persons, prisoner or prisoners, fugitive or fugitives, which, after the time of his, her, or their total surrender of his, her, or their estates and effects, under such acts, he, she, or they, shall or may be seized of, in his, her, or their own right or use, by grant, demise, or purchase, shall remain and be liable to his, her, and their respective creditors, as before the making of this act; and any creditor or creditors of any such prisoner or prisoners, fugitive or fugitives, may, at any time hereafter, sue out execution, extents, or other process, against such real estate or money in the funds as aforesaid, of such person or persons, on any judgement at the time of such discharge recovered, or statute staple, or recognizance acknowledged by, or decree obtained against any such prisoner or fugitive, but not against his, her, or their person, or his, her, or their personal estate or effects, except money in the funds obtained or accrued since such time of such discharge, other than as aforesaid.

Prisoners future estates, or money in the funds, notwithstanding their personal discharge, liable to creditors;

who may sue out execution, but not against their persons, or personal effects, etc.

XLVI. And be it also enacted, That any creditor or creditors of any prisoner or prisoners, fugitive or fugitives, who shall be discharged under this act, may, at any time after any such discharge, commence and prosecute any action or suit against any such prisoner or fugitive, his, her, or their respective heirs, executors, or administrators, for the recovery of any sum or sums of money which shall be due from any such prisoner or prisoners, fugitive or fugitives, at the time of his or their said discharge, but shall not hold the person of any such prisoner or fugitive to special bail; nor shall take the person, or personal estate and effects, other than as aforesaid, of any such prisoner or fugitive, in execution, by any judgement, sentence, or decree, which shall have been, or hereafter may be recovered or obtained against any such prisoner or fugitive; and any judge of the court, out of which such execution shall issue, shall have power to discharge the same by virtue of this act: and in any action or suit, which shall be hereafter commenced against any such prisoner or fugitive, his or her heirs, executors, or administrators, no benefit or advantage shall be had or taken, for that the cause of action did not accrue within three years next before the commencing of any such

Creditors may sue for the recovery of debts due at the time of prisoner's discharge,

but not hold the prisoner to special bail,

nor take his person, etc. by any judgement recovered against him.

No advantage to be taken of the cause of action not accruing within 3 years, etc.

Exception.

such action or suit; nor shall any statute or limitation be pleadable, or be allowed to be pleaded in bar of or in any such action or suit, which shall be hereafter commenced by any such creditor or creditors against any such prisoner or prisoners, unless such cause of action or suit did not accrue within three years next before any such prisoner or fugitive shall be discharged under this act; and, in any such case, the same may be pleaded by any such prisoner, his or her heirs, executors, or administrators.

Discharge of prisoner no acquittal to his partner or sureties.

XLVII. Provided always, and be it likewise enacted, That by the discharge of any prisoner or fugitive by force of this act, no other person or persons who was or were partner or partners in trade with any such prisoner or fugitive, at the time of his or her discharge under this act, or then stood bound, engaged with, or liable to, the payment of any debt with any such prisoner or fugitive, or engaged in any contract together with any such prisoner or fugitive, shall be discharged from any such debt or demand; but every such other person and persons shall severally stand and be chargeable with, and liable to pay, such debt and debts, and to perform such contracts, in like manner as if any such prisoner or fugitive had never been discharged from the same.

Gaoler making false entries in prison book or list, to forfeit 500l. with treble costs.

XLVIII. And be it further enacted, That if any gaoler or keeper, or reputed gaoler or keeper, of any prison or prisons, shall make, or cause to be made, any false entries in any book or books belonging to any prison or gaol under his care, or of which he is or was gaoler, or shall prepare or keep, or cause to be prepared or kept, any false book or books, in order for any false or untrue entry or entries to be made therein; or shall insert in any list, to be delivered in as aforesaid, the name or names of any person or persons who was not a prisoner or prisoners in actual custody in any such gaol or prison upon the said twenty-eighth day of *January*, one thousand seven hundred and seventy-eight, or shall not have ever since remained in such actual custody (except as in the oath of any such gaoler or keeper, or deputed gaoler or keeper, shall be excepted,) every such gaoler or keeper, or deputed gaoler or keeper, shall, over and above the penalties which he shall be liable to for every such fraud, forfeit and pay the sum of five hundred pounds; to be recovered, with treble costs of suit, by and in the name, and for the use, of any person or persons who shall be prejudiced by any entry, or such false entries; which penalties shall and may be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, or wager of law, or more than one imparlance, shall be allowed.

Prisoners refusing to declare the abode, etc. of the person at whose suit he is detained, &c.

XLIX. And be it further enacted, That if any prisoner, being thereunto required by any creditor, shall refuse to discover and declare the trade or occupation, and habitation, or last place of abode, of the person or persons at whose suit he or she is detained or charged in custody; or, being called for and desired, by any creditor or creditors, to come to the lodge of the prison in which any such prisoner shall be confined, without some reasonable cause being made appear to the contrary; every such prisoner.

soner, upon proof being made thereof before the justices at any general or quarter session of the peace, or any adjournment thereof, to be held as aforesaid, shall not have or receive any benefit or discharge by or under this act; any thing herein contained to the contrary thereof in any-wise notwithstanding.

to be excluded
the benefit of
this act.

L. And whereas there is but one common or county gaol for each of the respective counties of York, Lincoln, Lancaster, and Durham, which said counties are each of them divided into several ridings or divisions, all which have several commissions of the peace; and if the gaolers of those gaols be obliged to carry the debtors, prisoners therein, to the quarter session of each riding or division, the same will be a very great charge, not only to such gaolers, but also to the prisoners in those large counties; be it therefore enacted by the authority aforesaid, That it shall and may be lawful for two or more justices of the peace for any of the ridings or divisions in the respective counties, (or any other county or counties where the prisons are at a distance from the place where the sessions are held,) at the common or county gaol thereof respectively, or at some convenient place near thereto, and they are hereby required to assemble and meet, and to hold session, there, by adjournment from their respective quarter session, from time to time, for the discharge of the respective prisoners therein, according to the powers, limitations, and directions of this act.

Justices may
assemble at or
near any
county gaol,
and hold a
session there
for discharge
of prisoners.

LII. And whereas the division or district of Holland in the said county of Lincoln, is distant near forty miles from the said county gaol, and it is highly inconvenient and expensive for the justices of the peace acting for the said division, to be obliged to travel to the said gaol, for the sole purpose of discharging the prisoners under the powers by this act given; be it therefore enacted, That, for the several purposes aforesaid, the justices for the said division or district of Holland, may adjourn their original sessions to the county gaol, or some place near thereunto; and that it may and shall be lawful for any two justices of the peace, acting either for the parts of Lindsey, Kesteven, or Holland, to hold such adjourned sessions for the sole purpose of discharging such prisoners; notice of the adjournment of such original session being given by the clerk of sessions to such justices, and who shall attend there to register the proceedings of the said court, so far as the same relate to or affect the discharge of any prisoner detained for debt in the division of Holland, and claiming the benefit of this act.

The justices
for the district
of Holland in
Lincolnshire,
may adjourn
to the county
gaol, etc. for
discharging
prisoners.

LIII. And whereas the next general quarter sessions of the peace for the county of Surrey, which shall happen after the passing of this act, may be in the country, and upwards of twenty miles from any of the said prisons; be it therefore enacted by the authority aforesaid, That it shall and may be lawful for such justices as shall be assembled at the general quarter session of the peace to be holden for the county of Surrey, next after the passing of this act, and they are hereby required forthwith to adjourn the said session to the town hall in the borough of Southwark, for the purpose of administering the oaths required to be taken and subscribed by this act, by the several gaolers within the said county wherein any prisoner or prisoners are confined, and to the discharging

Justices for the
county of
Surrey may
assemble at the
town-hall of
Southwark for
administering
oaths, etc.

such

such respective prisoner or prisoners confined therein, according to the powers, limitations, and directions of this act.

Justices of London, Middlesex, and Surrey, to assemble their respective courts for administering oaths, etc.

LIII. *And whereas the next general quarter session of the peace for the city of London, and general quarter sessions for the counties of Middlesex and Surrey, will not be held until the middle of July, which will be the means of detaining in prison a number of persons who, with their families, are in the greatest distress;* be it enacted by the authority aforesaid, That it shall and may be lawful for any two or more of the justices of the peace for the city of London and the counties of Surrey and Middlesex, to assemble their respective courts as soon as may be after passing this act, for the purpose of administering the oaths, and other the matters required by this act, and to appoint such day or days for the discharge of prisoners as they shall see proper, and every person or persons so cleared at such meeting as aforesaid, shall receive all the benefits accruing to him by this act, in the same manner as if such business had been done at any general quarter session, or general session of the peace, or adjournment thereof, any thing in this act to the contrary notwithstanding; and such justices are hereby required to cause to be inserted in the *London Gazette*, notice of the day or days on which they will sit, for the discharge of such prisoners, and other the purposes directed by this act, (which notice shall be inserted in the *London Gazette* thirty days previous to such time.)

and to give 30 days notice of sitting to discharge prisoners.

Prisoners who are kept in custody for payment of fees, etc to be discharged.

LIV. And be it further enacted by the authority aforesaid, That all debtors and others, who were in prison on or before the said twenty-eighth day of *January*, one thousand seven hundred and seventy eight, or since, in any of the gaols of this kingdom, and now remain there for not paying their fees, rents, or other demands due, or claimed as due, to the keeper or gaoler of any prison respectively, or to any other officer of such prison, and upon no other account, shall be discharged therefrom, he, she, or they, taking the oath by this act required to be taken by prisoners.

This act not to extend to debtors to the crown,

LV. Provided always, and it is hereby further enacted by the authority aforesaid, That this act shall not extend, or be construed to extend, to discharge any person out of prison, seeking his or her discharge under this act, with respect to any debt or penalty with which he or she shall stand charged at the suit of the crown, or at the suit of any sheriff or other public officer, upon any bail bond entered into for the appearance of any person prosecuted for any offence committed against any act or acts of parliament relative to his Majesty's revenues of customs, excise, or salt duties, or either of them.

nor to prisoners who owe more than 1000l. to one person, unless such creditor assent:

LVI. Provided also, That this act shall not extend to discharge any person out of prison, seeking his or her discharge under this act, who shall be charged in custody by any body politick or corporate, or by any one person, on or before the said twenty-eighth day of *January*, one thousand seven hundred and seventy-eight, in any sum exceeding the sum of one thousand pounds, besides interest and costs, and whose discharge shall be in court opposed

opposed by such body politick or corporate, or one person; (except such person or persons who shall have been bound in security for any other person or persons to a larger amount, and it shall appear, to the satisfaction of the court, that such person or persons so bound, or giving, or joining in, such security, hath or have not received, or applied to his, her, or their own proper and separate use or benefit, any part of the sum or sums of money so due and owing as aforesaid; and also except such person or persons who now is or are, and was or were, prisoner or prisoners in the actual custody of any gaoler or keeper of any prison in this kingdom respectively, at the time of passing the late act for relief of insolvent debtors, and who was or were deprived taking or receiving the benefit of the said act, arising from their debt or debts to any one creditor exceeding the sum of one thousand pounds as aforesaid; provided such debt or debts due to any one creditor do not exceed the sum of one thousand five hundred pounds, besides interest and costs:) and if any such body politick or corporate, creditor or creditors, to whom a sum exceeding one thousand pounds shall be owing, shall oppose the discharge of such prisoner, (except as aforesaid,) and shall insist that such prisoner be continued in gaol; that then, and in such case, such body politick or corporate, or creditor or creditors, opposing the said prisoner's discharge as aforesaid, shall, at his, her, or their proper costs and charges, allow and pay, in the whole, such a weekly maintenance to the said prisoner, not exceeding four shillings, nor less than three shillings and sixpence per week, in such manner as the said justices, in their general quarter session, or adjournment thereof, shall order; and, upon nonpayment of the same for the space of fourteen days, the said prisoner, upon application to the said justices in their general or quarter session, held as aforesaid, shall be discharged, pursuant to the intent and meaning of this act.

Exception.

Creditors opposing prisoner's discharge, to allow him 3s. 6d. per week:

and on non-payment for two weeks, prisoner to be discharged.

LVII. *And whereas, under former acts, creditors have been put to great expences and trouble in attending every session and adjournment, during the whole continuance of the act, to oppose the discharge of prisoners clearly excluded from any benefit under the said respective acts, but who, after having been before one session heard, and refused a discharge, to harass their creditors, constantly gave fresh notices for each subsequent session and adjournment of their intended application to be discharged; to remedy which, be it further enacted by the authority aforesaid, That in all cases whatever, the determination of the justices in session or adjournment shall be final to all intents and purposes, unless the prisoner shall, during the continuance of this act, get rid of the objection or objections for which they refused his discharge; and, that the same may be clear and certain, the justices are hereby required to state the objections why such prisoner's discharge is refused by them; and, in all cases whatever, it shall and may be lawful to and for the justices, at any subsequent session or adjournment, upon application from the prisoner, upon due proof on oath made to them, by two or more credible witnesses, (which oath they are hereby*

Determination of justices to be final with respect to the retention of any prisoner;

unless the prisoner get rid of the objections for which they refused his discharge.

Justices, on proof by two witnesses of objections being removed

im-

etc. may discharge such prisoner.

impowered to administer,) of each objection or objections being removed, and on proof of notice served, at least ten days previous to such application, on the creditor or creditors who before opposed his discharge, and of notice likewise inserted in the *Gazette*, in manner, before directed by this act, to order such prisoner to be brought before them, and, if they shall then be of opinion the said prisoner is intitled to the benefit of this act, to order him to be discharged, he taking the oath, and in all other respects conforming to the directions of this act.

Creditor intending to oppose the discharge of a prisoner, to give him four days notice thereof,

or pay the expences of his application, etc.

LVIII. Provided always, and it is hereby further enacted, That when any creditor shall intend to oppose the discharge of any debtor with whose debt he is charged in custody, at the first quarter sessions of the peace, or any adjournment thereof, he is hereby required to give four days notice of his intention to oppose such discharge to the prisoner, or to leave such notice in writing with the keeper or gaoler of such prison, in order that such prisoner may be prepared to make his defence; and in case no such notice shall be given as aforesaid, previous to such quarter sessions or such adjournment thereof, and such creditor shall appear to oppose his discharge, and it shall happen that the prisoner is remanded, then such creditor shall pay to such debtor the expences of his application and attendance, in any sum not exceeding ten pounds, as the justices at such sessions shall direct and allow.

No fugitive to obtain a discharge after Oct. 1, 1780.

LIX. Provided always, That every fugitive or fugitives, intitled or to be intitled, to the benefit of this act, shall obtain their respective discharges on or before the first day of *October*, one thousand seven hundred and eighty, or shall be excluded from all benefit of this act.

Persons seized of an estate tail, claiming the benefit of this act, are to deliver up the same to creditors.

LX. And whereas it may happen that several persons, who may claim and be intitled to the benefit of this act, are seized of an estate tail, in some freehold or copyhold lands, tenements, or hereditaments, which entail, with the remainders thereupon expectant, they have, by law, power to defeat and bar, either by levying a fine or fines, suffering a common recovery or common recoveries, or by surrender or surrenders thereof, whereby such person or persons said freehold or copyhold lands, tenements, or hereditaments, would be liable to the payment of their debts, and be delivered up, according to the terms of this act, for the benefit of their creditors; be it therefore enacted by the authority aforesaid, That in every such case, such person or persons so seized as aforesaid, and who shall be intitled to, and claim the benefit of this act, shall, to all intents and purposes whatsoever in law, be deemed and taken, and is and are hereby declared to be seized of such lands, tenements, and hereditaments, in fee: provided the same shall be delivered up to the creditor or creditors of every such prisoner, in the same manner as if such person or persons had actually levied a fine, suffered a common recovery or recoveries, or made a surrender or surrenders thereof, and thereby had become seized in fee; any law, or construction of law, to the contrary thereof, in any-wise notwithstanding.

Signees may for fur-

LXI. And whereas many persons who may take the benefit of this act,

act, have been great dealers, or otherwise engaged in large transactions, whereby they may be intitled to sundry and great debts and demands, of various and intricate natures, and they may be intitled to equities of redemption of estates, subject and liable to mortgages, judgments, and other incumbrances, or to reversions, remainders, or other contingent estates in lands, tenements, or hereditaments, or to other trusts or interests in estates, both real and personal, which may not be sufficiently described or discovered in the schedule, or inventory, before directed to be delivered in, upon oath, as aforesaid, or which may want his aid or assistance to adjust, make out, recover, or manage, for the benefit of the creditors: be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for the respective assignees of the estate and effects of such prisoner or prisoners who shall obtain his, her, or their discharge, in pursuance of this act, or any other person or persons duly authorized by them for that purpose, from time to time, to apply to any two or more of the justices of the peace for the county, riding, division, city, town, place, or liberty, where such person or persons shall be then residing, thereby desiring that such person or persons may be further examined as to any matters or things relating to his, her, or their estate or effects; whereupon such justices shall send for, or call before them, such person or persons, by such warrant, summons, way, or means, as they shall think fit; and, upon such person's appearing, shall examine him, her, or them, as well upon oath as otherwise, as to such matters and things, as such assignee shall desire, relating to the estate and effects of such person or persons; and if any person or persons (on payment, or tender of payment, of such reasonable charges as such justices shall judge sufficient) shall neglect or refuse to come and appear, not having a lawful excuse, to be made known to such justices, and by them allowed, or, being come before them, shall refuse to be sworn, or to answer to all such questions as by such justices shall be put to him, her, or them, relating to the discovery of his, her, or their estate or effects, so vested, or intended to be vested, in such clerk of the peace, town clerk, or other officer acting as clerk of the peace, or in such assignees as aforesaid, that then it shall and may be lawful to and for such justices, by warrant under their hands and seals, to apprehend such person or persons so offending as aforesaid, and him, her, or them, to commit to the common gaol, there to remain, without bail or mainprize, until such time as he, she, or they, shall submit him, her, or themselves, to such justices, and answer upon oath to all such lawful questions as shall, by such justices, be put to him, her, or them, for the purposes aforesaid.

ther examination of prisoners, touching the discovery of their effects;

and justices may send for and examine them accordingly.

Persons refusing to appear, or answer upon oath, may be committed.

LXII. And be it further enacted by the authority aforesaid, That all and every such person and persons, who shall, within twelve months after the discharge of such prisoner or prisoners, voluntarily come in and make a discovery of any part of such debtor or debtors real or personal estate, as shall not be comprised in such schedule as aforesaid, before any justices aforesaid, shall

so per cent. allowed for discovering, within twelve months, any part of a prisoner's estate not comprised in his schedule.

shall be allowed after the rate of twenty pounds *per centum*, out of the net produce of such debtor or debtors' estate which shall be recovered on such discovery, and which shall be paid to such person or persons so discovering the same, by the assignee or assignees of such prisoner's estate and effects.

Discharge obtained fraudulently, void.

LXIII. Provided always, and be it enacted, That notwithstanding the discharge of any prisoner or prisoners by virtue of this act, if it shall hereafter appear the same was obtained fraudulently, or that any part of the oath taken by any such prisoner was not true; then, and in every such case, every such discharge shall be void, and of none effect.

Persons concealing any estate or effects of the prisoner, forfeit 100l and double value, with treble costs of suit.

LXIV. And, for the better discovery of the estate and effects of any prisoner who shall be discharged by virtue of this act, be it enacted by the authority aforesaid, That any person or persons who shall have accepted of any trust or trusts, and shall wilfully conceal or protect any estate, real or personal, of any such prisoner, from his creditors, and shall not, within thirty days after any assignee or assignees shall, in pursuance of this act, be chose of any such prisoner's estate, discover and disclose to such assignee or assignees such trust and estate, in writing, and deliver up or make over the same to such assignee or assignees, he, she, or they, so offending shall, for every such offence, forfeit the sum of one hundred pounds, and also double the value of the estate, either real or personal, so concealed, to and for the use of the creditors of any such prisoner; to be recovered by action of debt, in any of his Majesty's courts of record at *Westminster*, in the name or names of the assignee or assignees of such prisoner's estate, together with treble costs of suit.

Assignees, with consent of the majority in value of the creditors, may compound for debts due to the prisoner's estate;

and may submit any dispute relating hereto to arbitration;

LXV. And be it further enacted by the authority aforesaid, That it shall be lawful, at all times hereafter, for any assignee or assignees of the estate or effects of any prisoner or prisoners, who shall be chose in pursuance of this act, by and with the consent of the major part in value of such prisoner or prisoners' creditors, who shall be present at a meeting, to be held on twenty-one days publick notice being previously given, for the purpose hereafter mentioned, in the *London Gazette*, if the prisoner was in custody in *London*, or within the weekly bills of mortality, and if not, then also in some newspaper which shall be published in the county, city, or place, in or near which any such person shall have been in gaol, to make composition with any person or persons, debtors, or accountants, to such prisoner or prisoners, where the same shall appear necessary or reasonable; and to take such reasonable part of any such debt as can, upon such composition, be gotten in full discharge of such debts and accounts, and also to submit any difference or dispute between such assignee or assignees, and any person or persons, for or on account, or by reason or means of any matter, cause, or thing relating to such prisoner or prisoners' estate and effects, or to any debt or debts due, or claimed to be due, to or from such prisoner or prisoners, to the final end and determination of arbitrators, to be chosen by the said assignee or assignees, and the major part in value

value of such creditors, and the party or parties with whom they shall have no difference; and to perform the award of such arbitrators, or of any umpire to be chosen by them, or otherwise to settle and agree the matters in difference or dispute between them, in such manner as the said assignee or assignees, with such consent as aforesaid, shall think fit and can agree; and the same shall be binding to all the creditors of such prisoner or prisoners; and every such assignee or assignees is and are hereby indemnified for what they shall fairly do in the premises, in pursuance of this act.

LXVI. *And whereas provision ought to be made as to what should become of the estate and effects of any prisoner or prisoners, fugitive or fugitives, not got in, obtained, or recovered, by any assignee or assignees chose pursuant to the directions of the several acts, at the time of his or their death or deaths, and whose heir or heirs, executors, administrators, and assigns, refused to act or meddle therein; to remedy which, be it enacted, That in all such cases, it shall and may be lawful to and for the creditors of every such prisoner or prisoners, fugitive or fugitives, to chuse a new assignee or assignees in manner and form as herein-before is directed, and to obtain a new assignment from the clerk of the peace, or his deputy, town clerk, or other officer acting as clerk of the peace, pursuant to the order of the justices, and which said order the said justices are hereby required and impowered to direct, (on due proof on oath being made to them of the death of such former assignee or assignees, and refusal of his or their heirs, executors, administrators, or assigns, to act or meddle therein); and the said clerk of the peace, or his deputy, town clerk, or other officer acting as clerk of the peace, are hereby impowered to obey the same, and execute such assignment accordingly, in manner and form as if no former assignment had ever been made; the said assignee or assignees, clerk of the peace, or his deputy, town clerk, or other officer acting as clerk of the peace, hereby conforming to all orders and directions made by this act relative to them, or any of them; and to be liable to all such pains and penalties as are inflicted on them, or any of them, by virtue of this act, for disobedience in any part thereof, or neglect of duty whatever; and in case any such assignee or assignees shall die, and his heirs, executors, administrators, or assigns, shall refuse to act, that then, and in such case, it shall be lawful for such justices of the peace to appoint a new assignee or assignees, with the like powers and authorities as are given by this act; and the said justices shall have power, in a summary way, to oblige the heirs, executors, administrators, and assigns, of such assignee or assignees, to account and deliver up all such estate and effects as shall remain in his or their hands, to be applied for the purposes of this act.*

If assignees die before the effects of the prisoners are got in, and their heirs, etc. refuse to act, other assignees to be appointed,

and creditors to obtain a new assignment from the clerk of the peace, which the justices are to direct.

Clerk of the peace to obey the order, as if no assignment had been made.

LXVII. *And, to the intent and purpose that the estate and effects of such prisoner or prisoners as shall be discharged by virtue of this act may be duly and faithfully applied for the benefit of his, her, or their real creditors, be it enacted by the authority aforesaid, That*

Assignees complained against for insufficiency, fraud, mis-

it

management,
or other mis-
behaviour,

the court
thereupon is
to summon
the parties,
and make such
orders therein
as they shall
think fit.

Where mu-
tual credit
has been
given, the
balance to be
stated and al-
lowed.

Persons com-
mitted for not
paying money
awarded un-
der submit-

it shall and may be lawful to and for the respective courts at *Westminster*, and the courts of great sessions in *Wales*, and the principality of *Chester*, and the counties palatine of *Lancaster* and *Durham*, respectively, from whence any process issued upon which any such prisoner or prisoners was or were committed; or where the process issued out of any other court to and for the judges of the court of King's bench, common pleas, and exchequer, or of great sessions aforesaid, within their respective jurisdictions, or any one of them, from time to time, upon the petition of any such prisoner, or the creditor or creditors of such prisoner or prisoners, complaining of any insufficiency, fraud, mismanagement, or other misbehaviour of any assignee or assignees of the estate or effects of any such prisoner or prisoners, to summon all parties concerned, and, upon hearing the parties concerned the same, to make and give such orders and directions therein, either for the removal or displacing such assignee or assignees, and appointing any new assignee or assignees in the place or stead of such assignee or assignees so to be removed or displaced, or for the prudent, just, or equitable management or distribution of the estate and effects of any such prisoner for the benefit of the respective creditors, as the said courts or judges respectively shall think fit; and in case of the removal or displacing of any assignee or assignees, and the appointing of any new assignee or assignees, the estate or effects of such prisoner or prisoners shall, from thenceforth, be divested out of the assignee or assignees so removed or displaced, and be vested in, and delivered over to, such new assignee or assignees, in the same manner, and for the same intents and purposes, as the same were before vested in the assignee or assignees first chose as aforesaid; any thing in this act contained to the contrary notwithstanding.

LXVIII. Provided always, and be it enacted by the authority aforesaid, That in all cases where mutual credit hath been given between any prisoner or prisoners who shall be discharged in pursuance of this act, and any other person or persons, or body politick or corporate, before the delivery of such schedule or inventory of the estate and effects of such prisoner or prisoners, upon oath as aforesaid, the respective assignee and assignees of such prisoner or prisoners is and are hereby authorised and required, on his and their parts, to state and allow an account between them and the other party or parties concerned; and nothing more shall be deemed to be vested in such clerk of the peace, town clerk, or other officer acting as clerk of the peace, or such assignee or assignees under such clerk of the peace, town clerk, or other officer acting as clerk of the peace, as the estate or effects of such prisoner or prisoners, than what shall appear to be justly due to him, her, or them respectively, as and for the balance of such account, when truly stated.

LXIX. And whereas many persons are often committed on attachments for contempt, for not paying money awarded to be paid under submissions to arbitrators by rules of court, or under submissions to arbitration bonds, and which submissions have been made rules of court,

in pursuance of an act passed in the ninth and tenth years of the reign of William the Third, for determining differences of arbitration; and likewise for not paying of costs duly and regularly taxed and allowed by the proper officer, after proper demands made for that purpose; and also upon any writ of Excommunicato Capiendo, or other process for, or grounded on, the nonpayment of costs or expences in any cause or proceeding in any ecclesiastical court, or for any contempt to such court, it is hereby declared and enacted, That all such persons are and shall be intitled to the benefit of this act, on and subject to the same terms and conditions as are herein expressed and declared with respect to prisoners for debt only.

LXX. *And whereas great numbers of people have been and are now imprisoned for debt, upon processes issuing out of courts of conscience; it is hereby enacted and declared, That all such prisoners shall be intitled to have the benefit of this act, and be discharged under the same, provided he, she, or they, conform to the directions herein-before prescribed, touching other prisoners who shall be discharged by virtue of this act.*

Prisoners, upon process out of courts of conscience, to have the benefit of this act.

LXXI. *And be it further enacted by the authority aforesaid, That in all cases wherein by this act an oath is required, the solemn affirmation of any person, being a quaker, shall and may be accepted and taken in lieu thereof; and every person making such affirmation, who shall be convicted of wilful and false affirming, shall incur and suffer such and the same penalties as are inflicted and imposed by this act upon persons convicted of wilful and corrupt perjury.*

Quaker's affirmation to be taken in lieu of an oath.

LXXII. *Provided always, and be it further enacted by the authority aforesaid, That no person who shall have taken the benefit of any act heretofore passed for the relief of insolvent debtors, within the space of ten years last past, shall have or receive any benefit or advantage of or under this act, nor be deemed to be within the intent and meaning thereof, so as to be discharged under the same; any thing herein-before contained to the contrary notwithstanding; unless such person shall be willing to serve, and shall actually enter himself to serve on board some one of his Majesty's ships of war for the term of seven years, or shall enlist as a soldier in some of his Majesty's land forces for the term of three years.*

Persons who have taken the benefit of any insolvent act within ten years, excluded from this act:

Exception.

LXXIII. *And be it further enacted, That when any prisoner, who may have taken the benefit of any insolvent act within the space of ten years last past, shall under this act apply for his discharge, every such prisoner shall produce to the court (to which he shall make application for such discharge) a certificate in writing, signed by an officer properly authorised to engage or enlist men for his Majesty's sea or land service [as the case may be], setting forth that he was on the*

Prisoners who have taken such benefit, and shall apply for discharge under this act, to produce to the court a certificate, signed by a proper officer, setting forth that they are intitled to serve his Majesty be etc.

[insert the date] engaged or enlisted *[as the case may be]* to serve as a mariner or soldier in his Majesty's sea or land service for the term of which certificate shall be attested by one or more credible witness or witnesses; and in case such certificate shall not be produced, or shall not

be properly authenticated in manner aforesaid, to the satisfaction of the justices before whom any such prisoner shall be brought, he shall be remanded back to the prison from whence he came, there to remain till he shall have fully complied with the directions aforesaid, or shall by other legal means sooner obtain his discharge.

This act not
to extend to
Scotland.

Clause of re-
lief for bank-
rupts, who
have not ob-
tained certifi-
cates and dis-
charge of their
debts.

LXXIV. Provided also, and it is hereby enacted, That nothing in this act contained shall extend to that part of *Great Britain* called *Scotland*.

LXXV. *And whereas bankrupts who have not obtained their certificates and discharge of their debts, under some one of the acts relating to bankrupts, have not been deemed to be within the meaning of acts of insolvency, as such bankrupts have no schedules to deliver up according to the terms and conditions of such acts; nevertheless, as many bankrupts are confined in prison for debt only, though they have already delivered up their whole estates and effects, or, from a fear of being arrested and thrown into prison, are frequently induced to abscond from their homes, and go into foreign parts: be it further enacted by the authority aforesaid, That such person or persons, against whom a commission of bankruptcy hath been awarded and issued on or before the twenty-eighth day of January, one thousand seven hundred and seventy-eight, or who shall have been really an actual prisoner or prisoners, in the custody of any gaoler or gaolers, or keeper of any prison respectively, on or before the twenty-eighth day of January, one thousand seven hundred and seventy-eight, and against whom a commission of bankruptcy shall have since been awarded and issued, and who hath or have duly conformed, or shall duly conform, him, her, or themselves to the several acts of parliament relating to bankrupts, and hath not or have not been committed to any prison by a warrant of the commissioners in such commission named, for contumacy or noncompliance to those laws, and who now is or are in prison for debt, damages, contempt, costs of suit, or any sum or sums of money due and accrued previous to such commission, or who now are secreting themselves in fear of their creditors; and shall be hereafter sued, arrested, or held to bail, or shall surrender him, her, or themselves, or be surrendered, in discharge of his, her, or their bail, or taken in execution in any suit or action for any such debt or debts as aforesaid, shall and may apply to any one of the judges of the court wherein such process or processes hath or have issued, to summon his, her, or their plaintiff or plaintiffs, to shew cause why such bankrupt or bankrupts should not be discharged from his, her, or their imprisonment, or arrest as aforesaid, such bankrupt or bankrupts first making oath before such judge, (or if at a distance from such judge, then before a justice of the peace), who is hereby authorised to administer such oath, that such debt or debts did accrue previous to the issuing such commission; and such bankrupt or bankrupts making it appear to the satisfaction of such court or judge, that he or they hath or have made a full disclosure of his or their estate or effects, and delivered up the same; and such*
plaintiff

plaintiff or plaintiffs not appearing, or not proving that such bankrupt or bankrupts hath or have concealed any part of his, her, or their estate or effects; and such bankrupt or bankrupts making it appear that he or they hath or have duly conformed him, her, or themselves, to the laws now in force against bankrupts, such judge shall and may discharge such bankrupt or bankrupts from such imprisonment or arrest as aforesaid; unless it shall appear that such commission was fraudulently obtained; such bankrupt or bankrupts causing a common appearance to be entered for him, her, or them, where necessary, in every such suit or action; and if any such bankrupt or bankrupts shall be afterwards again sued and arrested, or taken in execution, or imprisoned, in any suit or action, for such debt or debts, previous to such commission as aforesaid, any judge of the court wherein such process issued shall, upon summons of the proper party or parties, immediately discharge such bankrupt or bankrupts from such arrest or imprisonment; nevertheless such bankrupt or bankrupts shall, in all other respects, be deemed subject to the laws in force against bankrupts; and every sheriff and sheriffs, bailiff and officer, gaoler and keeper of a prison, is and are hereby required, on proper notice being given of such judge's discharge, to release and set free such bankrupt or bankrupts out of his or their custody, and each and every of them is and are hereby indemnified from any action or actions that may be brought, commenced, or prosecuted against him or them, for any escape for or on account thereof.

LXXVI. And whereas many bankrupts, having in all respects strictly conformed themselves to the directions of the bankrupt laws, have, notwithstanding, been unable to obtain their certificates, and have, on that account, been discouraged from exerting their industry in the pursuit of their several occupations; either living in the most unhappy and distressed situation at home, or seeking relief in foreign countries, where they can earn and secure to themselves the profit of an industrious application to business; some of whom have carried with them the arts, manufactures, and commerce of this country, to the great prejudice thereof: and whereas some relief given in such particular cases, might prevent the evils arising to the publick, and be an encouragement for such individuals to follow their different occupations at home; be it enacted, That any person or persons against whom a commission of bankruptcy hath been awarded and issued, on or before the twenty-eighth day of January, one thousand seven hundred and seventy-eight, and who hath or have in all things conformed to the several acts now in force concerning bankrupts, by his, her, or their surrender and submission thereto, and who shall not have been committed for any act of contumacy or nonconformity, yet who hath not or have not gained a total discharge from his, her, or their creditors, of his, her, or their debts, arising or accruing previous to such commission, for want of their certificate, shall have liberty, after the expiration of twelve calendar months from the day of the date of every such commission respectively, to petition or to apply, by motion of

Clause with respect to bankrupts who have conformed themselves to the bankrupt laws:

Lord chancellor, etc. impowered to allow such bankrupts' certificates, although not signed by four-fifths of their creditors.

court, to the lord chancellor, lord keeper, or lords commissioners for the time being, setting forth the true circumstance of the case relative to such commission and certificate; and the lord chancellor, lord keeper, or lords commissioners as aforesaid, shall have power and authority to direct and order the acting commissioners in the respective commissions named, to certify to the said lord chancellor, lord keeper, or lords commissioners, the conformity or nonconformity of such bankrupt or bankrupts, and such other matter as to them shall seem necessary concerning the same (the said acting commissioners being hereby authorised and required so to do); and the lord chancellor, lord keeper, or lords commissioners, as aforesaid, shall thereupon have power and authority, if he or they shall so think fit, to direct and order an advertisement to be inserted in the *London Gazette*, for the allowance of such bankrupt's certificate, (although the same shall not appear to have been signed or consented to by four-fifths in number and value of the said bankrupt's creditors, agreeable to the laws now in being), in the same manner and form as if the said certificate had been signed as aforesaid; and in case no sufficient cause shall be shewn to the contrary within the time limited by the said advertisement, the said lord chancellor, lord keeper, or lords commissioners, as aforesaid, shall have power and authority to allow such bankrupt's certificate, in the like manner as if the same had been signed agreeable to the laws now in being, and grant or make such other order thereupon, for the relief and discharge of such bankrupt or bankrupts from his, her, or their debts as aforesaid, or otherwise, as to the lord chancellor, lord keeper, or lords commissioners, shall seem proper; which certificate, if so allowed, shall be as full and effectual, to all intents and purposes, as if the same had been duly obtained and allowed agreeable to the directions of the several laws now in force concerning bankrupts; any law or usage to the contrary notwithstanding.

No person to receive any benefit by this act who shall, by false pretences, have obtained money, goods, bonds, etc.

✓ LXXXVII. Provided always, and be it enacted, That no such bankrupt or prisoner, who knowingly or designedly, by false pretence or pretences, shall have obtained from any person or persons money, goods, wares, merchandises, bonds, bills of exchange, promissory notes, or other securities for money, shall have or receive any benefit or discharge by or under this act; but the judge, the lord chancellor, lord keeper, lords commissioners, or justices at any general quarter sessions of the peace, or any adjournment thereof, before whom any such prisoner shall be brought, upon due proof of the matter made to their satisfaction, shall remand such bankrupt or prisoner to the custody of the gaoler or keeper of the prison from whence he or she shall have been brought; any thing herein contained to the contrary notwithstanding.

C A P. LIII.

An act for the more easy and better recruiting of his Majesty's land forces and marines.

WHEREAS, for recruiting his Majesty's land forces and marines, it is necessary that a new supply of men be forthwith raised, within the kingdom of Great Britain, by common consent and grant in parliament; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That within and throughout the several and respective counties, shires, stewartries, ridings, cities, boroughs, cinque-ports, parishes, towns, and places, of *Great Britain*, a speedy and effectual levy of able-bodied men, to serve his Majesty as soldiers, shall be forthwith had, made, practised, and put in execution, according to the rules and directions of this present act. Preamble.

II. And it is hereby further enacted, That the justices of the peace of every county, shire, stewartry, riding, liberty, or place, within *Great Britain*, and all and every the persons who were named, or otherwise appointed, to be commissioners for putting in execution an act of parliament, made and passed at *Westminster*, in the fifteenth year of the reign of his present Majesty, (intituled, *An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and seventy-five*), or any subsequent act or acts of parliament for that purpose, within the several and respective counties, shires, stewartries, ridings, cities, boroughs, cinque-ports, towns, and places, therein particularly expressed, who are still living, and have duly qualified themselves according to the said acts, or shall duly qualify themselves according to this present act, in that behalf, shall be commissioners for putting in execution this present act, and the powers therein contained, within and for the same counties, shires, stewartries, ridings, cities, boroughs, cinque-ports, towns, and places, of *Great Britain*, for which they were so named or appointed respectively; and that all and every the justices of the peace, and magistrates of corporations and burghs, in any part of *Great Britain*, who are or shall be in any of his Majesty's commissions of the peace, or in the magistracy of such corporation or burgh, at any time during the execution of this act, who shall duly qualify themselves according to this present act in that behalf (although not specially named or appointed commissioners by the said act), shall be likewise commissioners for putting in execution this present act, and all the powers therein contained, within the limits of their commissions and jurisdictions respectively: all which commissioners, by this act intrusted with the execution of the same, are hereby strictly enjoined and required to use their utmost care and diligence that A levy of able-bodied men to be made throughout Great Britain.
Justices of the peace, commissioners of the land tax, and magistrates of corporations and burghs, to put this act in execution;
and to take care that his Majesty's service be not his neglected.

his Majesty's service, in making such levies as aforesaid, be not disappointed or neglected.

High sheriffs, etc. upon notice from the secretary at war, to issue Precepts for summoning the commissioners to meet, and qualify themselves.

Notice of the day of meeting to be sent to the war-office, etc. Commissioners to appoint the times and places of their succeeding meetings, and issue precepts for that purpose to the high constables, etc.

and to give notice thereof to such military officers as shall attend this service.

Sheriffs to be allowed the expences incurred in the execution of this act.

Every person voluntarily enlisting himself, entitled to 3 l. bounty-money.

III. And be it further enacted by the authority aforesaid, That the high sheriff of every county, or his deputy, immediately upon receiving notice for that purpose from the secretary at war, shall send precepts to the respective bailiffs, or others who are usually employed to summon juries, although in liberties out of the ordinary jurisdiction of the said high sheriff, directing them to summon the several justices of the peace, and commissioners of the land tax, within their respective divisions and liberties, to attend at the usual place of meeting in every division, upon a certain day in the said precepts named, within the time limited by the secretary at war, (notice of which day shall be sent to the war-office and admiralty upon the issuing of the precepts by the sheriff), to qualify themselves for the execution of this act; and the said commissioners shall then and there appoint the several times and places for the succeeding meetings in each of their respective subdivisions during the continuance of this act; and the said justices of the peace, and commissioners of the land tax, at such their first meeting, or at some other meeting to be held as soon as it can be conveniently, shall issue their precepts to the high constables, headboroughs, or other proper officers, for the respective hundreds, lathes, tapes, wapentakes, or other subdivisions, within the said counties, shires, stewartries, ridings, or divisions, as aforesaid; which precept shall contain an account of the times and places appointed for the succeeding meetings, and shall be returnable on a day, therein to be named, within twenty days, and not less than fourteen days, from the time of issuing thereof; and such high constables, headboroughs, or other proper officers, are hereby required forthwith to signify the times and places appointed for such meetings to the several commissioners residing within their respective districts; and the said commissioners assembled at such first meeting to qualify themselves as aforesaid, shall also give notice of the time and place of all and every succeeding meeting, to be appointed as aforesaid, to the military officer whom they shall have learned, by notice from the secretary at war, to be directed to attend this service.

IV. Provided always, and it is hereby enacted, That all reasonable charges or expences incurred by any sheriff or deputy sheriff in the execution of this act, shall be allowed in the accounts of such sheriff at the receipt of his Majesty's exchequer.

V. And, for the encouragement of fit and able persons voluntarily to enter into his Majesty's service, be it enacted, That every such person who shall, on or before the first day of May, one thousand seven hundred and seventy-nine, voluntarily enter himself into his Majesty's service, before the said commissioners, at their first or any subsequent meeting, shall, by warrant of any three or more of the said commissioners, receive the sum of three pounds out of the money of the land tax, arisen or to arise in the years one thousand seven hundred and seventy-seven, and one thousand

and seven hundred and seventy-eight, or either of them, then being in the hands of any receiver-general, or of any collector thereof, within the county or place for which the said commissioners are appointed; and thereupon the commissioners then present, or any three of them, shall forthwith cause such volunteers to be delivered to the officers appointed to receive them; and shall cause an entry to be made, in some book to be kept by the said commissioners, or such clerk as they shall appoint, of the names of such volunteers, and of the parishes or places of their last abode (if they can be known), and of the time and place when and where they did so enter themselves, and of the sums paid to them, and by whom such payments were made, and of the names of the officers or persons who received such volunteers, and for what regiment or company they were received; and shall cause true copies or duplicates of such entries, attested by three or more of the said commissioners then present, within forty days after the delivery of such volunteers, to be transmitted into the office of his Majesty's secretary at war for the time being, to be compared with the muster-rolls.

Volunteers to be delivered over to the military officers; and an entry to be made of their names, places of abode, etc.

Duplicates of entries to be transmitted to the war-office.

VI. And it is hereby declared, That the pay of every such volunteer shall commence from the time that he shall so enter himself into his Majesty's service; and that every such volunteer, after he shall have continued in the military service of his Majesty, his heirs and successors, during the space of three years, shall be at liberty (if he think fit) to demand his discharge from the colonel or commanding officer of the regiment or company to which he shall belong, (unless the nation shall be then engaged in a war, and in that case such volunteer shall remain in service during the continuance of war); and such discharge shall be granted to him *gratis*, in writing, under the hand of such colonel or commanding officer, who is hereby empowered and required to give the same accordingly, on pain of suffering the penalties usually inflicted for disobedience to orders; any thing herein contained to the contrary notwithstanding.

Volunteers to receive pay from the time of their entering; and to be discharged at the end of 3 years, or of the war, if they demand it.

VII. And it is hereby further enacted, That the warrants by this act directed to be issued by the said commissioners for the encouragement of volunteers as aforesaid, shall be satisfied by such receivers or collectors as aforesaid, to whom such warrants shall be directed, without any abatement for fees, gratuities, charges, poundage, or any other pretence whatsoever, and shall be allowed upon their accounts; any law or statute to the contrary notwithstanding; and the said receivers general, and their respective deputies, and the said collectors of the land tax money, or any of them, upon the summons of the said commissioners, or any three or more of them, shall attend at the said meetings for receiving volunteers as aforesaid, and duly pay to the said volunteers the rewards prescribed by this act, as they will answer at their peril any delay or obstruction to his Majesty's service which may happen by their defaults.

Warrants for bounty money to be paid without any deduction.

Receivers-general, and collectors, to attend meetings of commissioners, and pay the bounty.

VIII. Provided always, and it is hereby enacted, That it shall be 40 s. of every 50 s. paid out of

the land tax,
to be repaid
into the ex-
chequer by
the paymasters
of the forces.

be lawful for the lord high treasurer, or commissioners of the treasury for the time being, to cause forty shillings of every three pounds of the money which shall be supplied out of the land-tax money for the years one thousand seven hundred and seventy-seven, and one thousand seven hundred and seventy-eight, or either of them, for payment of the encouragements aforesaid, to be repaid into his Majesty's exchequer, by the respective paymasters of his Majesty's forces, out of such money as they shall receive for the said forces, to make good the respective credits on the said land taxes, and to be applied to the satisfaction of such principal and interest (if any) as shall be remaining thereupon.

Commission-
ers empowered
to levy such
men as are
herein de-
scribed;

IX. And it is hereby further enacted by the authority afore-

and to call in
the assistance
of parish and
town officers;

said, That the said commissioners, or any three or more of them, in their respective places or stations, shall be, and are hereby authorised and empowered to raise and levy, and to cause to be raised and levied, at any time or times during the continuance of this act, within their several limits and jurisdictions, all able bodied idle and disorderly persons, who cannot, upon examination, prove themselves to exercise and industriously follow some lawful trade or employment, or to have some substance sufficient for their support and maintenance, to serve his Majesty as soldiers; and to require and command all and every the high constables, churchwardens, overseers of the poor, petty constables, headboroughs, and tythingmen, and other parish and town officers, or any of them, within their respective limits and jurisdictions, to be aiding and assisting to them the said commissioners, or any three or more of them, in the performance of this his Majesty's service; and for that purpose the said commissioners, or any three of them, are to meet in their respective subdivisions, according to the appointment of the justices and commissioners as aforesaid, and to issue out their warrants, under their hands and seals, thereby requiring and commanding such churchwardens, overseers of the poor, petty constables, headboroughs, tythingmen, or other parish or town officers, or else requiring and commanding the said high constables to issue their precepts to such churchwardens, overseers, petty constables, headboroughs, tythingmen, and other parish and town officers as aforesaid, every or any of them, to make, or cause to be made, a general search within their respective parishes, townships, constablewicks, or other places, for all such persons as they can find, who are or shall appear to them to be within the description of this act, and to bring all such persons before the commissioners who have power to execute this act in and for such county, shire, stewartry, riding, or division, at such time and place as shall have been appointed, by the justices and commissioners as aforesaid, for the second meeting of the said commissioners, in their respective subdivisions, which time and place shall be prefixed in the said warrants and precepts respectively; and afterwards the said commissioners, within their respective limits and divisions, shall meet at such convenient time or times as they shall think fit, in order to issue their like warrants or

and to meet
in their sub-
divisions,

and issue ge-
neral search
warrants for
bringing be-
fore them, at
their second
sub division
meeting, all
persons within
the description
of this act.

Subsequent
meetings to be
at such times
and places as
shall be
thought fit.

pre-

precepts for making general searches for persons within the said description, and for bringing them before the commissioners at any future times and places appointed by the justices and commissioners as aforesaid, during the continuance of this act.

X. And be it further enacted by the authority aforesaid, That the said commissioners, or any three or more of them, in their respective places or stations, shall be, and are hereby authorised and empowered, to raise and levy, and to cause to be raised and levied, to serve his Majesty as a soldier, (at any time or times during the continuance of this act, within their respective limits and jurisdictions, and subject to the several rules and regulations herein-before specified, for the raising and levying persons who have no lawful trade or employment), any fit and able person who shall be convicted of running goods to the value not exceeding forty pounds, in lieu of any punishment or penalty to which such person may be liable by any law now in force for preventing the running of goods; or any fit or able person who shall be taken in the act of running goods, and be thereof convicted before one or more of his Majesty's justices of the peace for the county or place where the offence was committed.

Persons convicted of running goods to the value of 40l. may be levied as soldiers; in lieu of all legal penalties.

XI. Provided always, That in case the second meeting appointed to be held in any subdivision, shall be at so great a distance of time as may render it inconvenient to issue warrants for bringing persons before such commissioners at the second meeting, then the commissioners of such subdivision respectively may adjourn themselves to some convenient day, previous to such second meeting, in order to issue their warrants as aforesaid.

If the second subdivision meeting be too distant, commissioners may adjourn to a previous day.

XII. Provided always, and it is hereby enacted, That it shall and may be lawful to and for the churchwardens, overseers of the poor, constables, headboroughs, tythingmen, and other officers of any parish or township, or any of them, at any time after the said second meeting of the said commissioners, having a proper warrant or precept as aforesaid, to search for and apprehend all or any such person or persons as they, or any of them, shall find, or shall appear to them, or any of them, to be within the description of this act, and to convey such person or persons before one or more of the justices of the peace of the county, shire, stewartry, city, riding, liberty, or place, within which he or they shall have been so apprehended, to be examined; and if the said justice or justices shall judge the person or persons, so brought before him or them, to be within the description of this act, it shall in that case be lawful for the said justice or justices to grant a warrant for securing such person or persons (in case they shall think it necessary) in the gaol or house of correction, or other proper place of security, of the county, town, or place, where such persons shall be apprehended; and the keeper of such gaol or house of correction, or other proper place of security, shall receive such person or persons without fee or reward, and the parish officers shall allow such keeper expence by the day for each person, during the time that they

After such second meeting, parish officers may search for and secure such persons as come within the description of this act, and convey them before a justice;

who may commit them to a place of security till the next meeting of the commissioners, etc.

shall

shall remain there; and shall convey them before the commissioners, at their next meeting for listing of soldiers, to be examined, and (if judged by the said commissioners to be within the description of this act) to be listed and delivered into his Majesty's service, according to the true intent and meaning hereof.

Commissioners to examine the said persons,

and, if found proper for the service, to deliver them to the military officers.

Officers to give receipts for them;

and to pay to the parish officers, for their trouble, 20s. for every such man;

and to the churchwardens, etc. from 10s. to 40s. If such man have a wife or family,

as shall be settled by the commissioners;

and 6d. per diem to the parish officers for the time they shall have kept him.

Disputes re-
; thereto

XIII. And be it further enacted by the authority aforesaid, That the commissioners for executing this act, who shall attend this service at the place or places for listing soldiers as aforesaid, shall strictly examine the persons who shall be brought before them by the said churchwardens, overseers, constables, headboroughs, tythingmen, or other parish or town officer as aforesaid; and in case the said commissioners, or the major part of them then present, upon examination of the persons so brought before them, shall find that such persons shall come within the descriptions herein mentioned, and the said commissioners, and the officer or officers who shall be appointed to receive the impressed men, shall judge them to be such as are hereby intended to be entertained as soldiers in his Majesty's service, then, and in such case, the said commissioners shall cause such persons to be delivered over by the said churchwardens, overseers, constables, headboroughs, tythingmen, or other parish or town officers, to such officers or persons as shall be appointed to receive such recruits as aforesaid; such officers or persons giving a receipt under their hands, acknowledging what men are so delivered to him or them, which receipt they are hereby required to give.

XIV. And be it further enacted, That the respective officers who shall receive such new-raised men, shall pay to the clerk appointed by the commissioners, for the use of the officers of the parish or town so employed in the raising such men, for their pains and services therein, twenty shillings of lawful money of *Great Britain* for every man so raised; and shall also pay, for every such new-raised man who shall have a wife or family, any sum not exceeding forty shillings, nor less than ten shillings, of lawful money of *Great Britain*, to the said clerk, to be by him paid over, as is herein-after directed, into the hands of the churchwardens or overseers of the poor, for the benefit of such parish or township in which such new-raised man shall have gained a settlement, and whose wife or family may become chargeable to such parish or township respectively; which sum shall be settled by the commissioners present at the meeting when such person shall be enlisted, or any three or more of them, regard being had to the number of children, or other particular circumstances of such person so enlisted; for both which payments the clerk shall give a receipt; and the sum of sixpence *per diem* for keeping every such new-raised man who shall be delivered as aforesaid, according to the number of days that the officers of the said parish or town shall have kept him in custody, pursuant to the powers granted by this act, until such delivery; the said allowances of twenty shillings, and of six-

expence *per diem*, in case of dispute, to be ascertained and distributed to or amongst the said churchwardens, overseers, constables, headboroughs, tythingmen, and such other parish and town officers, or any of them, according to the judgement and direction of the said commissioners, or the major part of them then present.

to be settled by the commissioners.

XV. Provided always, and be it further enacted by the authority aforesaid, That the said commissioners, or any three or more of them, in their respective divisions, are hereby authorised and empowered, by and out of the said sum of twenty shillings, herein-before directed to be paid for the use of the officers of the parish or town so employed in the raising of such men, to allot and order such sum as they shall think fit; to the respective high constables, within their respective limits and jurisdictions, for their pains and service in the execution of this act, not exceeding the sum of two shillings.

Commissioners may allot, out of the money allowed to parish officers, &c. to the high constables.

XVI. Provided always, That no person shall be enlisted by the said commissioners, by virtue of this act, who is not such an able-bodied man as is fit to serve his Majesty, and is free from ruptures, and every other distemper, or bodily weakness or infirmity, which may render him unfit to perform the duty of a soldier; and that no man be enlisted for his Majesty's service by virtue of this act, who shall appear, in the opinion of the commissioners, or officer or officers appointed to receive the impressed men, to be under the age of seventeen years, or above the age of forty-five years, or who shall be under the size of five feet four inches without shoes.

Able-bodied men only to be enlisted;

and none under 17, nor above 45 years of age, etc.

XVII. *And, for the better preventing any disputes which may arise about paying for the subsistence of those persons who, having been apprehended and detained by virtue of this act, may afterwards be discharged upon examination before the commissioners and military officers,* be it further enacted by the authority aforesaid, That if any person being judged by the commissioners not to be within the description of this act, shall be by them discharged, the officers of the parish or town shall be intitled to no consideration for their expences in keeping such person; and if any person being judged by the commissioners to be within the description of this act, shall be rejected by the military officer, such officer shall pay to the officers of the parish or town sixpence *per diem*, for the whole time that they shall have kept every such person, to be charged to the account of his respective regiment or company; and every officer who shall object to any person delivered to him by the commissioners, shall specify his objection to such person, whether it shall be to his age or size, or bodily disability, and the grounds of such objection shall be forthwith (as far as may be) inquired into by the said commissioners, and they shall proceed accordingly; and every officer who shall refuse or discharge any person delivered to him by the commissioners, as fit to serve his Majesty within the description of this act, shall, without delay, transmit to his Majesty's secretary at war, his reason for such refusal or discharge, in writing, attested by himself.

Persons discharged as not within the description of this act, parish not to be allowed their expences;

If within the description, and rejected by officer, he shall pay the expences of keeping them.

Objections to be specified, and inquired into by commissioners.

Reasons of discharge to be transmitted to the secretary at war.

XVIII. And

Inhabitants
required to be
a list here-
in.

XVIII. And it is hereby enacted and strictly enjoined by the authority aforesaid, That the inhabitants of every parish and township, where any persons described as aforesaid do abide, or are to be found, at the instance of any one or more of the commissioners appointed for the execution of this act, or of any churchwarden, overseer of the poor, or constable, of the same parish or township, shall (not having a lawful or reasonable excuse to the contrary) be aiding and assisting in the furtherance of his Majesty's service by this act described.

10 s. premium
to such as shall
discover any
proper person,
so as he be in-
listed.

XIX. And, to encourage such inhabitants and others to assist in discovering and apprehending such persons described as aforesaid, it is hereby further enacted by the authority aforesaid, That if any person shall discover and give information of any able-bodied man, fit to serve his Majesty within the description of this act, so that he shall be apprehended and enlisted before the commissioners as aforesaid, such person, for every man so discovered and enlisted, shall receive, from the officer to whom such man shall be delivered, the sum of ten shillings, out of the twenty shillings which he is elsewhere directed to pay to the officers of the parish or town for every man enlisted by virtue of this act, and the remainder only of the said twenty shillings shall, in that case, be paid to such officers.

Clerks to be
appointed by
the commis-
sioners at their
first general
meeting;

and at subdivi-
sion meet-
ings.

Clerks to be
paid by the
officer 2 s. for
every man in-
listed.

XX. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners, at their first general meeting assembled, to appoint a clerk to attend them, then and at each of their subsequent meetings; and for the commissioners of the several subdivisions to appoint a clerk to attend them at their respective meetings in each subdivision wherein soldiers are to be listed as aforesaid; and such respective clerks, as a reward for their labour and pains in the execution of this act, shall be intitled to, and shall receive, for every man who shall be listed in pursuance of this act, at the meetings whereon they shall respectively attend, the sum of two shillings of lawful money of Great Britain, to be paid by the respective officer who shall receive such new raised men respectively.

The second
and sixth sec-
tions of the
articles of war
to be read to
new-raised
men.

Names of the
man, parish,
time of enlist-
ing, etc. to be
entered in a
book.

XXI. And be it further enacted by the authority aforesaid, That the said commissioners, or such of them as shall be present at such meeting for listing of soldiers as aforesaid, shall cause the second and sixth sections of the articles of war against mutiny and desertion, to be read to such new-raised men, in the presence of the said commissioners then there; and the said commissioners, or the major part of them then present, shall forthwith cause an entry or memorial to be made, in a book or books to be kept by them or their clerks for that purpose, of the names of such new-raised men, and of the parishes or places of their last abode (if they can be known), and of the time and place when and where such men were delivered to the said officers or persons appointed to receive them, and the names of the officers or persons who received them, and for what regiment or company they were so received, and the sums paid; and shall cause

Attested copy
thereof to be

true

true copies or duplicates of such entries, attested by the said commissioners, or any three or more of them then present, within forty days after the delivering such men as aforesaid, to be transmitted into the admiralty, or office of his Majesty's secretary at war for the time being, to be compared with the muster-roll; and every clerk, for every neglect or default in not transmitting the said copies or duplicates of such entries to the admiralty, or office of the secretary at war; as aforesaid, shall forfeit the sum of ten pounds; one moiety thereof to the use of his Majesty, his heirs and successors, and the other moiety to such person or persons who shall inform or sue for the same, in some of the courts of record at *Westminster*, or the court of sessions in *Scotland*; and it is hereby declared, that the pay of every such new-raised man, so delivered to the officers or persons appointed to receive them as aforesaid, shall commence from the time of his being taken and secured as aforesaid; and from and after such delivery as aforesaid, and reading the said articles of war, every person so raised shall be deemed a listed soldier to all intents and purposes, and shall be subject to the discipline of war, and, in case of desertion, shall be proceeded against as a deserter by any law now in force, or by any law to be made for punishment of deserters; and no person so listed shall be liable to be taken out of his Majesty's service, by any process other than for some criminal matter.

XXII. Provided nevertheless, and be it enacted by the authority aforesaid, That it shall be lawful for the commissioners, who shall have been present at any such meeting where any new-raised man shall have been delivered over as aforesaid, or for the major part of them, upon the demand of such man, or of any other person on his behalf, signified to their clerk within four days after such meeting, and by him notified to each of the said commissioners, to appoint a further meeting of the said commissioners, to be holden within six days after the making of such demand, unless the party appealing shall require a further reasonable time; and if, upon further and more certain information, the said commissioners, or the major part of them at such further meeting, shall find that such new-raised man was not, at the time of his being delivered over as aforesaid, within the description of this act, they are hereby required to certify the same, under their hands and seals, to his Majesty's secretary at war; who, on the receipt of such certificate, shall cause the man to be forthwith discharged; and the recruiting officer shall, on such person's receiving his discharge as aforesaid, cause to be paid to such man the sum of one shilling for each day he shall have been so detained in the service as aforesaid, to be allowed to such officer out of the recruiting fund, over and above such subsistence as he may have received; and the clerk appointed by the commissioners shall repay to such officer (without fee or other deduction) the several sums before paid to him by the said officer, and shall give back the receipts taken as above directed, in exchange for a copy of the man's discharge; and in case no

transmitted,
within 40
days, to the
admiralty, etc.

on penalty of
10 l.

Application
of the penal-
ty.

Commence-
ment of sol-
dier's pay.

After articles
of war are
read, soldiers
to be subject
to martial law.

Commission-
ers present at
the delivering
over any re-
cruit, may,
upon demand
made in his
behalf, ap-
point a further
meeting.

and finding
him not to be
within the de-
scription of
this act, are
to certify the
same to the
secretary at
war, who
shall cause the
man to be
discharged.

Officer to pay
him 1 s. for
each day he
shall have been
detained.

Clerk to re-
pay to the
officer the
sums received
of him, etc.

If no discharge be obtained, clerk to pay over the sums deposited to the proper persons.

None to be insisted till the sums payable by the officers are first paid.

Officers may secure impressed men.

Keeper to be allowed their subsistence money.

Civil officers to be aiding in securing them, and to be allowed for their trouble.

Commissioners may levy a fine, not exceeding 20 l. on gaoler for escape of men,

and on parish officers for neglect of duty.

Persons obstructing the execution of

such discharge shall have been obtained as aforesaid, then the said clerk shall, after the expiration of fourteen days from the time that such new-raised man was delivered over, as aforesaid, pay over, without fee or deduction, to the persons respectively intitled thereto under the directions of this act, the several sums deposited in his hands for that purpose.

XXIII. Provided always, That nothing in this act contained shall be construed to extend to empower the said commissioners to insist any person as a soldier, until the several sums herein directed to be paid, by the respective officers appointed to receive such new-raised men, shall be first paid to the person or persons respectively authorized to receive the same.

XXIV. And be it further enacted by the authority aforesaid, That the officer or officers, and other person or persons, appointed to attend the said commissioners, and to receive such impressed men, shall, in case he or they shall find it necessary, secure such impressed men in some secure house or place, to be provided by the justices of the peace, in their petty or special sessions, for that purpose; but in case no such house or place shall be so provided, then in the gaol of the county, town, or place, where such man shall be received into his Majesty's service, or in the house of correction, or other publick prison, of such county, town, or place, where debtors are not usually confined; and the keeper of such gaol, house of correction, or prison, shall receive such impressed men, until they can be removed, without fee or reward; and such keeper shall be allowed the usual subsistence for such men during the time they remain there, from the officer by whom they shall be delivered as aforesaid; and the constables, headboroughs, and other civil officers, shall (if required) be assisting to such officer in conveying such man or men to such secure place, goal, or house of correction, and shall be allowed such reasonable sum or sums as the major part of the commissioners then present shall appoint to be paid by the officer or officers who shall require such assistance.

XXV. And it is hereby further enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners, or any three or more of them, to impose upon any gaoler, or keeper of a house of correction, or prison, who shall suffer any person committed to his custody, in pursuance of this act, to escape; or upon any high constable, churchwarden, overseer, petty constable, headborough, tythingman, or other parish or town officer, for every wilful neglect or default, in the execution of any warrant, order, or precept, to them or any of them directed in pursuance of this act, a fine not exceeding ten pounds, and to cause every such fine to be levied by distress and sale of the offender's goods, rendering the overplus (if any be) to the owners, and to pay the said fine to the informer or informers.

XXVI. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall wilfully do any act

act or thing whereby the execution of this act, in the searching for, taking, and securing, such able-bodied men as aforesaid, shall be hindered or frustrated, every such person shall, for every such offence, forfeit any sum not exceeding ten pounds, to the use of the informer or informers; and all and every such offences may be enquired of, heard, and finally determined, by any two or more of his Majesty's justices of the peace, dwelling in or near the place where such offence shall be committed; who have hereby power to cause the said penalty to be levied by distress and sale of the offender's goods and chattels, rendering the overplus (if any be) to the owners; and if the offenders have no goods and chattels sufficient to answer the said penalty, then to commit him or her to the county gaol or house of correction, there to remain for the space of three months, without bail or mainprize.

this act to
forfeit 10l.

which may be
levied by di-
stress.

XXVII. Provided always, and it is hereby declared, That this act shall not extend to the taking or levying any person to serve as a soldier, who shall make it appear, to the satisfaction of the commissioners then present, that he hath any vote in the election of any member or members to serve in parliament, in any county, city, borough, town, port, or place, within the kingdom of *Great Britain*.

Voters for
members of
parliament
not liable to
be listed.

XXVIII. And it is hereby enacted, That no person who, at the time of the execution of this act, shall have any military office or employment in *Great Britain*, (other than in the militia) shall execute any power or authority by this act given to commissioners as aforesaid.

No military
officer may
be a commis-
sioner.

XXIX. And be it further enacted by the authority aforesaid, That if any action, plaint, suit, or information, shall be commenced or prosecuted against any person or persons for what he or they shall do in pursuance or execution of this act, the same shall be commenced within six months after the offence committed; and such person or persons so sued, in any court whatsoever, shall and may plead the general issue, not guilty, and upon any issue joined, may give this act, and the special matter in evidence; and if the plaintiff or prosecutor shall become nonsuit, or forbear further prosecution, or suffer a discontinuance, or if a verdict pass against him, the defendant shall recover treble costs; for which they shall have the like remedy as in any case where costs by the law are given to defendants.

Limitation of
actions.

General issue.

Treble costs.

XXX. And, for the better obviating such frauds and abuses as may be practised in discharging of soldiers, it is hereby further enacted by the authority aforesaid, That no private soldier, who shall be duly listed into his Majesty's service by virtue of this act, (during the time such soldier shall remain in *Great Britain*) shall be discharged from his Majesty's service, without the consent of the colonel, or, in his absence, the field officer commanding in chief the regiment, first had and obtained in writing under their hands and seals for that purpose; in which writing the cause of his discharge shall be expressed, and a duplicate or copy of every such discharge forthwith transmitted to the Secretary at

No soldier or
marine to be
discharged
without a cer-
tificate from
his colonel,
etc.

of which a
duplicate to
be transmitted
war,

to the secre-
tary at war.

Officer break-
ing this order
to be cashier-
ed.

Impressed
men, after 5
years service,
to be dis-
charged, if
they demand
it.

Clerks to be
rewarded for
their trouble
in transmit-
ting dupli-
cates, etc.

His Majesty,
when a suffi-
cient number
of men shall
be raised, may,
by proclama-
tion, etc. sus-
pend the
execution of
this act;

or may suspend
or enforce it
in any county
or place.

Persons em-
ployed in the
execution of
this act, ex-
empted from
penalties
of acts
25 Car. 2.

war, to be by him kept and entered in a book; or if a marine, without the consent of the lord high admiral, or the commissioners of the admiralty for the time being, first had and obtained; and any officer that shall presume to discharge any soldier enlisted pursuant to this act, in any other manner contrary to this act, shall, for such offence, be cashiered.

XXXI. Provided always, and it is hereby enacted, That every person who shall be impressed upon this act, after he shall have continued in the military service of his Majesty, his heirs and successors, during the space of five years, shall be at liberty, if he think fit, to demand his discharge from the colonel, or, in his absence, the officer commanding the regiment or company to which he shall belong, unless the nation shall be then engaged in a war, and in that case such person shall remain in service during the continuance of war; and such discharge shall be granted to him *gratis*, in writing under the hand of such colonel or officer, who is hereby impowered and required to give the same accordingly; any thing herein contained to the contrary notwithstanding.

XXXII. And be it further enacted, That the said several clerks to the said commissioners, provided the said copies or duplicates be duly transmitted into the office of the admiralty, or secretary at war, as aforesaid, shall have and receive, by the hands of the paymasters of his Majesty's land forces and marines, or one of them, such rewards as the lord high treasurer, or commissioners of the treasury for the time being, upon consideration of the numbers of men listed in the several counties, cities, boroughs, or other places, and the pains and charges of the several clerks in this service, shall judge the said clerks severally and respectively to deserve.

XXXIII. Provided always, That his Majesty, when he shall be satisfied, by the said returns of the commissioners, or otherwise, that a sufficient number of recruits in the whole shall be raised for his present service, may be graciously pleased to suspend or stop the further execution of this act, by proclamation, or order in council, or other publick notice in the *London Gazette*; any thing herein contained to the contrary notwithstanding.

XXXIV. Provided also, That his Majesty, when he shall judge it expedient for his service, may at any time suspend or enforce the execution of this act, in any county or place of *Great Britain*, by notice from his Majesty's secretary at war; any thing herein contained to the contrary notwithstanding.

XXXV. Provided always, and be it further enacted by the authority aforesaid, That no commissioner, churchwarden, overseer, constable, headborough, tythingman, or other parish or town officer, who shall be employed in the execution of this act, shall be liable, for or by reason of such execution, to any of the penalties mentioned, in an act made in the twenty-fifth year of the reign of King *Charles the Second*, *For preventing dangers which may happen from popish recusants*; or in one other act, made in the first year of the reign of King *William* and Queen *Mary*, (intituled,

(intituled, *An act for abrogating the oaths of allegiance and supremacy, and appointing other oaths*); or in one other act, made in the parliament holden in the thirteenth and fourteenth years of the reign of the late King *William the Third*, (intituled, *An act for the further security of his Majesty's person, and the succession of the crown in the protestant line; and for the extinguishing the hopes of the pretended prince of Wales, and all other pretenders, and their open and secret abettors.*)

1 Gul & Mar.
& 14
Gul. 3.

XXXVI. Provided always, and be it enacted, That no person or persons, hereby appointed to be a commissioner or commissioners for any county, riding, city, borough, cinque-port, or place, of *England, Wales, or Berwick upon Tweed*, (except such as duly qualified themselves to be justices of the peace, or commissioners for executing the said act for the land tax made and passed in the fifteenth year of his present Majesty's reign, or any subsequent act or acts of parliament for that purpose), shall be capable, in *England, Wales, or Berwick upon Tweed*, of acting as a commissioner or commissioners in the execution of this act, or executing any the powers of the commissioners therein mentioned, (unless it be the power hereby given of administering oaths), until such time as he or they respectively shall have taken the oaths appointed by an act of parliament, made in the first year of the reign of King *William and Queen Mary*, (intituled, *An act for the abrogating the oaths of supremacy, and allegiance, and appointing other oaths*); and also in the said act, (intituled, *An act for the further security of his Majesty's person, and the succession of the crown in the protestant line; and for extinguishing the hopes of the pretended prince of Wales, and all other pretenders, and their open and secret abettors*); which oaths it shall and may be lawful to and for any two or more of the said commissioners to administer, and they are hereby required to administer the same to any other of the said commissioners; and that no person or persons, hereby appointed to be a commissioner or commissioners for any part of *Scotland*, (except such as duly qualified themselves, according to the laws of *Scotland*, to be commissioners there for executing the said act for the land tax made and passed in the fifteenth year of his present Majesty's reign, or any subsequent act or acts of parliament for that purpose), shall be capable of acting as a commissioner or commissioners in the execution of this present act, in any part of *Scotland*, until such time as he or they respectively shall have duly qualified themselves, according to the laws of *Scotland*, for that purpose.

Commissioners in England not to act till they have taken the oaths appointed by acts

1 Gul & Mar.

and 13 & 14
Gul. 3.

nor commissioners in Scotland, till they have qualified themselves as the laws there direct.

XXXVII. Provided always, and be it enacted, That if any person hereby appointed a commissioner for any county, city, town, or place, in *England, Wales, or Berwick upon Tweed*, (except as before excepted) shall presume to act as a commissioner in the execution of this act, before he shall have taken the said oaths which by this act he is required to take, and in the manner hereby prescribed, he shall forfeit to his Majesty the sum of two hundred pounds, to be recovered by action of debt, or on the case, bill, suit, or information, in any of his Majesty's

Commissioners in England acting before they have taken the oaths,

forfeit 200 l.

and commis-
sioners in Scot-
land, 50 l.

courts of record at *Westminster*, wherein no essoin, protection, wager of law, or more than one imparlance, shall be allowed; and that if any person hereby appointed a commissioner for any shire, stewartry, burgh, or place in *Scotland*, (except as before excepted), shall presume to act as a commissioner in the execution of this act, before that he shall have qualified himself according to the laws in *Scotland*, he shall forfeit to his Majesty the sum of fifty pounds, to be recovered in the court of exchequer in *Scotland*, in the same manner as any other penalties are there recoverable.

Commission-
ers for the
county, etc.
at large, may
act for any
city, etc.

XXXVIII. Provided also, That in case there shall not be a sufficient number of commissioners for any city, borough, town, port, or place, of *Great Britain*, (for which by this act commissioners are specially appointed), capable of acting according to the respective qualifications required by this act; then, and in every such case, any the commissioners appointed for the county, shire, or stewartry at large, within which such city, borough, town, or place, doth stand, or which is next adjoining thereto, may act as commissioners in the execution of this act, within such city, borough, town, port, or place; any thing herein contained to the contrary notwithstanding.

Qualification
of commis-
sioners for
counties at
large within
England.

XXXIX. Provided always, and be it enacted by the authority aforesaid, That no commissioner of the land tax, not being a justice of the peace, or a magistrate of a corporation or a borough, shall be capable of acting as a commissioner in the execution of this act, or of any of the powers therein contained, in or for any county at large, within *England*, the dominion of *Wales*, (the counties of *Anglesey*, *Merioneth*, *Cardigan*, *Caermarthen*, *Glamorgan*, *Montgomery*, *Pembroke*, *Caernarvon*, and *Monmouth*, excepted), or in or for any of the ridings in the county of *York*, unless such person by himself, or his tenants or trustees, was taxed or did pay, in the same county or riding, for the value of one hundred pounds *per annum*, or more of his own estate, by virtue of the said act for the land tax, made and passed in *England*, in the fifteenth year of his Majesty's reign, or any subsequent act or acts of parliament for that purpose; or unless such person so appointed to be a commissioner shall, at the time of the execution of this act, by himself, his tenants or trustees, enjoy an estate of lands, tenements, or hereditaments, of the said yearly value of one hundred pounds, or more, within the said county or riding respectively; any thing herein contained to the contrary notwithstanding.

Persons dis-
abled presum-
ing to act,
forfeit 50 l.

XL. And it is hereby further enacted, That if any person intended by this act to be disabled for the cause last mentioned, shall nevertheless presume to act as a commissioner in the execution of this act, or any of the powers therein contained, every such person, for such offence, shall forfeit the sum of fifty pounds, to any person or persons who will inform or sue for the same, to be recovered in any of his Majesty's courts of record at *Westminster*, or in the exchequer of *Scotland*, as aforesaid.

Commission-
may act

XLI. Provided nevertheless, and it is hereby enacted, That

no person who is appointed to be a commissioner for executing this act in any part of *Great Britain*, shall be disabled, for the cause last-mentioned, from acting as a commissioner within and for any city, borough, cinque-port, or corporate town only, whereof he shall be an inhabitant at the time of the execution of this act, or from acting as a commissioner within any of the inns of court or inns of chancery.

for any city, etc. whereof they are inhabitants, or for inns of court.

XLII. *And whereas some doubts may arise whether mayors, bailiffs, and other chief magistrates of cities, boroughs, towns corporate, and cinque-ports, for which commissioners are specially appointed by virtue of this act, can act as commissioners for executing this act in the said cities, boroughs, towns corporate, and cinque-ports;* be it further enacted by the authority aforesaid, That all mayors, bailiffs, and other chief magistrates, who are appointed commissioners for executing this act, shall be, and have power to act as commissioners for executing this act, within and for any city, borough, town corporate, or cinque-port, wherein they inhabit at the time of executing this act, as well where commissioners are specially appointed by this act, as where they are not.

Mayors, bailiff, etc. to act as commissioners specially appointed.

XLIII. *And whereas it may often be expedient for his Majesty's service, that the commissioners hereby appointed shall execute this act in cities, towns, or other places, where it may not be convenient to enforce the execution thereof through the county in which such city, town, or place, shall be respectively situate;* be it therefore enacted by the authority aforesaid, That the mayor or other chief magistrate of every city, town, or place, shall, upon receiving notice for that purpose from the secretary at war, immediately proceed to put this act in execution within their respective jurisdictions, in the same manner, to all intents and purposes, as if such mayor or other chief magistrate had received such notice from the sheriff of the county in which such city, town, or place, shall be respectively situate; any thing in this act contained to the contrary notwithstanding.

Chief magistrates of cities, etc. upon notice from the secretary at war, to enforce this act within their jurisdictions.

XLIV. And it is hereby provided and enacted, That no bailiff's follower or assistant, employed or belonging to any sheriff, bailiff of liberties, marshalsea court, or any other person or persons that shall be so employed by any one that shall have the power of executing any warrant or process whatsoever, shall be deemed thereby to follow or exercise any calling or employment, or to have a sufficient support and maintenance, within the intent and meaning of this act.

Bailiffs followers and assistants, etc. not deemed to follow any calling.

XLV. *And forasmuch as great inconveniences may happen by impressing men during the time of harvest,* be it therefore enacted by the authority aforesaid, That, from and after the twenty-fifth day of *May*, one thousand seven hundred and seventy-eight, until the twenty-fifth day of *October* following, no harvest labourer, or person working at hay harvest or corn harvest work, within the time aforesaid, within the kingdom of *Great Britain*, shall be impressed by virtue of this act, but shall be free and exempted from the same during the time aforesaid; provided they have a certificate under the hands of the minister, and of one church-

Labourers, having proper certificates, not liable to be impressed from May 25, to Oct. 25.

warden or overseer of the poor, or elders, of the parish or place where they live, allowed under the hand and seal of one justice of the peace of the same county, shire, stewartry, riding, city, or place; which certificate shall be given *gratis*.

Commissioners for executing this act within the castle of York.

XLVI. *And, for the more easy and better putting this act in execution*, be it enacted by the authority aforesaid, That any three or more commissioners for putting this act in execution in the several ridings of the county of York, (being justices of the peace), though not all of the same riding, may, within the castle of York, or limits thereof, execute the powers of this act.

Commissioners for executing this act in Threapwood.

XLVII. *And whereas divers soldiers, who have deserted his Majesty's service, have been harboured in a certain place called Threapwood, lying within or near the counties of Chester and Flint, or one of them, and adjoining to the town of Cuddington in the said county of Chester*; be it further enacted by the authority aforesaid, That the commissioners hereby appointed for the county of Chester, and the officers of the said town of Cuddington, shall execute this act in the said place called Threapwood, according to the true intent and meaning thereof.

Officer not attending to receive recruits, commissioners may adjourn, and order the detention of the impressed men.

XLVIII. And be it further enacted by the authority aforesaid, That if at any of the meetings of the commissioners by this act appointed in any of their subdivisions, they shall not be attended by some proper officer appointed for the receiving of recruits, either through negligence or any unavoidable accident, then, and in that case, it shall and may be lawful to and for the said commissioners to adjourn themselves to some other convenient day, and they are hereby authorised to give directions for detaining in custody all such persons as shall have been then brought before them by the parish officers to be enlisted, or such of them as they shall think duly qualified for his Majesty's service; and the said commissioners shall give notice to any of the officers attending on this service, in the county or place where such subdivisions shall lye, of the day of such adjournment; and the said officer is hereby required, either to attend himself, or to appoint some other officer to attend such commissioners, and to receive such persons as the said commissioners shall enlist into his Majesty's service; and the officers so receiving the recruits shall pay, to such person as the commissioners shall appoint, sixpence *per diem* for the subsistence of every recruit then enlisted, from day of the last meeting of the commissioners to the said day of adjournment, the same to be charged to the account of the several regiments or companies into which the said recruits shall be enlisted, together with such charges and expences as shall appear to the said commissioners to have been incurred on account of the detaining the said persons, from the day of the former meeting of the said commissioners to the day of such second meeting, not exceeding three pounds.

Notice of adjournment to be given to officers attending this service, etc.

Officer to pay subsistence money for every recruit,

and incidental charges.

Continuance of this act.

XLIX. And be it further enacted by the authority aforesaid, That this act, and every thing herein contained, shall be and continue in force until the end of the next session of parliament.

L. And

C A P. LIV.

An act for granting to his Majesty a certain sum of money out of the sinking fund; and for applying certain monies therein mentioned for the service of the year one thousand seven hundred and seventy-eight; and for further appropriating the supplies granted in this session of parliament; and for carrying to the aggregate fund a sum of money which hath arisen by the two sevenths excise.

Preamble. 2,296,209 l. 1s. 8d. 2q. granted out of the sinking fund, for the service of the current year; to be issued by the treasury accordingly. Treasury empowered to raise the said sum, or any part thereof, by loans or exchequer bills, on the credit of the sinking fund: All persons who shall lend any money upon the credit of this act to have a tally of loan, with orders for repayment of the money, with interest. Orders to be registered in course. No undue preference to be given in payment. No fee to be taken, on forfeiture of treble damages, with full costs. Penalty of undue preference in point of registry or payment. Auditor, &c. neglecting his duty, liable for damages, &c. to be recovered at Westminster. No undue preference in the registering, where orders are brought the same day; nor if subsequent orders are paid before others not brought in course, so as money be reserved for the preceding orders. Power of assignment, and method of transferring of orders. If it shall be judged more advisable, the treasury may raise the said sum by exchequer bills instead of loans; and the bills in such case to be made in the manner prescribed by the land tax act of this session. All advantages and penalties in the land tax act of this session, relating to loans or exchequer bills thereby authorised to be made forth, extended to this act. The said exchequer bills, interest, and charges, are to be paid out of the sinking fund. Bank authorised to lend to his Majesty the sum of 2,296,209 l. 1s. 8d. halfpenny: notwithstanding an act of 5 & 6 Gul. & Mariae. The sum of 703,790 l. 18s. 3d. halfpenny, surplus of the sinking fund: and 4,976 l. 1s. 1d. halfpenny, remaining in the exchequer on April 5, 1778; and 46,825 l. remaining of the deductions of 6d. in the pound upon all salaries, &c. from the crown; and 37,921 l. 3s. 10d. savings from the pay of his Majesty's national troops; and 27,690 l. savings from the pay of sundry regiments; and such monies as shall be paid into the exchequer between April 5, 1778, and April 5, 1779, of the produce of the duties on Gum Senega and Gum Arabic; shall be applied towards making good the supply. The monies arising by the land tax, malt tax, lottery act, loans, (1,500,000 l.) further loans, (500,000 l.) vote of credit, and 703,790 l. 18s. 3d. halfpenny, remaining in the exchequer on April 5, 1778, of the surplusses of the sinking fund; and 4,976 l. 1s. 1d. halfpenny, remaining in the exchequer on April 5, 1778; and 46,825 l. remaining of the deductions of 6d. in the pound upon all salaries, &c. and 37,921 l. 3s. 10d. savings out of the pay of the national troops; and 27,690 l. savings out of the pay of sundry regiments of foot; and such monies as shall be paid into the exchequer between April 5, 1778, and April 5, 1779, of the produce of the duties on Gum Senega and Gum Arabic; and 2,296,209 l. 1s. 8d. halfpenny, by this act granted, out of the excesses, &c. composing the sinking fund; together with the money arising from the sale of French prizes taken before the declaration of war; and also such sums of money as his Majesty shall direct to be applied to the public service, which shall arise out of the sale of the ceded islands in the West Indies: shall be applied to the uses following: 3,777,895 l. 16s. towards naval services; 1,000,000 l. towards paying off and discharging the debt of the navy; 4000 l. to the royal hospital for seamen at Greenwich, &c. 382,816 l. 2s. 8d. for the charges of the office of ordnance; 300,483 l. 13s. 10d. for the charges of the office of ordnance not provided for in 1777: 4,833 666 l. 15s. 11d. halfpenny, towards maintaining the land forces; of which 634 240 l. 3s. 11d. for defraying the charges of 20 057 effective men, &c. and 3213 invalids for guards, &c. in Great Britain, &c. 960,843 l. 18s. 6d. for forces and garrisons in Africa, &c. 52,923 l. 1s. 6d. to make good the difference of pay between the British

tish and Irish establishment of troops serving in America: 11,473 l. 18 s. 6 d. halfpenny, for general and general staff officers in Great Britain: 56,074 l. 19 s. 4 d. halfpenny, for five Hanoverian battalions at Gibraltar and Minorca, and for provisions for three of the said battalions at Gibraltar, for the year 1778: 367,203 l. 9 s. 10 d. for 13,472 troops of Hesse Cassel, &c. 35,441 l. 19 s. 9 d. halfpenny, for two regiments of Hanau, &c. 1,645 l. 17 s. 1 d. to make good a deficiency of a vote of last session: 17,370 l. 8 s. 2 d. 3 q. for a regiment of Waldeck, &c. 93,947 l. 15 s. 8 d. for 4,300 Brunswickers, &c. 34,007 l. 2 s. 11 d. for 1,241 troops of Brandebourgh Anspach: 47,160 l. 13 s. 3 d. for provisions for foreign troops serving in America: 27,379 l. 10 s. 8 d. for defraying the charge of artillery for foreign troops for 1778: 286,632 l. 14 s. 6 d. for augmentations of his Majesty's forces, from their commencements, &c. 90,939 l. 15 s. to the reduced officers of the land forces and marines: 712 l. 5 d. to the two troops of horse guards reduced, &c. 258 l. for pensions to officers widows, &c. 105,431 l. 15 s. 3 d. to the out-pensioners of Chelsea Hospital: 18,895 l. 5 s. 2 d. for augmentations of the forces: 80,319 l. 14 s. 1 d. for augmentations of the forces, from March 25, to Dec. 24, 1778: 402,622 l. 9 s. for the embodied militia from March 26, to Dec. 24, 1778: 37,559 l. 7 s. 6 d. for militia cloathing for 1778: 45,608 l. 2 s. for three regiments to be raised in North Britain, from April 25, to Dec. 24, 1778: 18,071 l. 12 s. for infantry, &c. of Anhalt Zerbit: 1,406,923 l. 16 s. 4 d. 1 q. towards extraordinary expences of the land forces, &c. not provided for: 1,500,000 l. for discharging exchequer bills of last session: 1,000,000 l. for paying off the exchequer bills of last session: 19,100 l. to make good to his Majesty the like sum issued in pursuance of the addresses of the house of commons: 3,200 l. for the civil establishment of the island of St. John: 2,866 l. for the civil establishment of Georgia: 4,701 l. 10 s. 5 d. for supporting the civil establishment of Nova Scotia: 4,950 l. for the civil establishment of East Florida: 4,900 l. for the civil establishment of West Florida: 2,372 l. for defraying expences attending surveys in North America: 13,000 l. for maintaining the British forts, &c. on the coast of Africa: 5,550 l. for supporting the civil establishment of Senegambia: 105,227 l. 8 s. 3 d. for the expences of recoining the deficient gold coin: 6,998 l. 12 s. 5 d. on account of new roads, &c. in the highlands of Scotland: 56,680 l. 2 s. 6 d. for the relief of American civil officers, &c. 6,400 l. to Mr. Moore, for his trouble in compiling a general index to the journals: 3,000 l. to the Rev. Mr. Fortter, for his trouble in compiling a general index to the journals: 3,000 l. to the Rev. Dr. Flexman, for ditto: 500 l. to Mr. Cunningham, for ditto: 9,075 l. 3 s. 11 d. to make good to his Majesty the like sum issued to Duncan Campbell, for the expence of confining, &c. convicts on the Thames: 43,621 l. 10 s. 9 d. halfpenny, to the sinking fund, to make good the deficiency on July 5, 1777, &c. and 38,493 l. 2 s. 7 d. halfpenny, to make good the deficiency of grants for the service of the year 1777. The said aids to be applied only to the uses before mentioned. Rules to be observed in the application of the half-pay. By act 17 Geo. 3. a sum not exceeding 93,616 l. 8 s. 4 d. was appropriated to be paid to reduced officers. Overplus monies, above satisfying said officers, to be disposed of to officers who were maimed, &c. in the late wars, or to officers widows and children, as his Majesty shall direct. 31,154 l. 17 s. 8 d. 1 q. remaining in the exchequer of the two sevenths excise, to be carried to the aggregate fund.

C A P. LV.

An act to permit the exportation of certain goods, directly from Ireland, into any British plantation in America, or any British settlement on the coast of Africa; and for further encouraging the fisheries and navigation of Ireland.

WHEREAS by an act, made in the fifteenth year of the Preamble.
 reign of King Charles the Second, intituled, An act for the encouragement of trade, it is amongst other things, enacted, That, Act 15 Car. 2.
 recited.

from and after the twenty-fifth day of March, one thousand six hundred and sixty four, no commodity of the growth, production, or manufacture of Europe, shall be imported into any land, island, plantation, colony, territory, or place, to his Majesty belonging, or which shall hereafter belong unto, or be in the possession of, his Majesty, his heirs and successors, in Asia, Africa, or America, (Tangier only excepted), but what shall be bona fide, and without fraud, laden and shipped in England, Wales, or the town of Berwick upon Tweed: and whereas it is thought proper to allow the exportation of goods, (except as herein-after excepted) directly from the kingdom of Ireland, to the British plantations in America, or into any of the settlements belonging to Great Britain on the coast of Africa; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the twenty-fourth day of June, one thousand seven hundred and seventy-eight, it shall and may be lawful to export from the kingdom of Ireland, directly into any of the British plantations in America, or the West Indies, or into any of the settlements belonging to Great Britain on the coast of Africa, in ships or vessels which may lawfully trade to and from those places, any goods, wares, and merchandize, being the produce or manufacture of Ireland, (wool and woollen manufacture in all its branches mixed or unmixed, cotton manufactures of all sorts mixed or unmixed, hats, glass, hops, gunpowder, and coals, only excepted); and all goods and commodities of the growth, produce, or manufacture of Great Britain, which have been or may be legally imported from thence into the said kingdom of Ireland, (woollen manufactures in all its branches, and glass excepted); and all foreign certificate goods, which have been or may be legally imported from Great Britain into Ireland; any law, custom, or usage, to the contrary notwithstanding.

After June 24, 1778, all goods, the produce or manufacture of Ireland, (except wool, and woollen and cotton manufactures, hats, glass, hops, gunpowder, and coal), may be exported from thence directly to America, or the coast of Africa. and all British goods, (except woollen manufactures and glass), and also all foreign certificate goods.

Master of the vessel exporting goods as above mentioned, to produce a proper certificate to the collector, etc. of the customs at the port of his arrival;

and deliver an invoice of the particulars of his lading.

II. Provided always, and it is hereby further enacted by the authority aforesaid, That the master, or person having the charge of every ship or vessel exporting any such goods from Ireland to the said plantations or settlements, shall, upon his arrival there, produce to the collector or other principal officers of the customs, or other publick officer at the port or place where he shall arrive, a certificate, under the hands and seal of office of the collector and comptroller of the customs of the port in Ireland where he took in his lading, that oath had been made before them, by the exporter of such goods (which oath they are hereby authorized to administer), that the goods mentioned in such certificate are bona fide of the produce or manufacture of Ireland; or that the same are of the growth, produce, or manufacture of Great Britain, which had been legally imported from thence into Ireland; or that they are foreign certificate goods, which had been legally imported from Great Britain into Ireland, (as the case may be); and shall also deliver an invoice of the particulars of his lading to such officers, in the manner directed by

by an act of parliament, made in the third and fourth years of the reign of Queen Anne, intituled, *An act to permit the exportation of Irish linen cloth to the plantations, and to prohibit the importation of Scotch linen into Ireland*; and shall in all other respects, not altered by this act, comply with the regulations prescribed by the said recited act, or any other law now in force in this kingdom, respecting ships trading to the said plantations or settlements; otherwise such ships, and the goods laden on board thereon, shall be subject and liable to the same penalties and forfeitures as if this act had not been made.

III. Provided always, and be it enacted, That nothing herein contained shall extend to permit the exportation from the said kingdom of *Ireland* to any of the places aforesaid of any foreign linens, whether the same be white or brown, or checked, or painted, stained, or dyed, in the said kingdom of *Ireland*. Proviso relating to foreign linens.

IV. Provided always, and it is hereby further enacted by the authority aforesaid, That nothing herein-before contained shall extend, or be construed to extend, to any bar-iron, to iron slit, rolled, plated, or tinned, nor to any sort of manufactured iron wares, until a duty of two pounds ten shillings *per* ton, on such bar-iron, and also a duty of three pounds three shillings and eleven pence *Irish*, *per* ton, on such slit, rolled, plated, or tinned iron, and manufactured iron wares, exported from *Ireland* to the *British* colonies or plantations in *America*, or to any of the settlements belonging to *Great Britain* on the coast of *Africa*, shall be imposed by some act or acts of parliament to be made in the kingdom of *Ireland*; and that then, and in such case, it shall and may be lawful, from and after the commencement of, and during the continuance of, such respective duties, but no longer, to export any such iron or iron wares from the said kingdom of *Ireland* directly to any *British* colony or plantation in *America*, or to any settlement belonging to *Great Britain* on the coast of *Africa*, in any ship or vessel that may lawfully trade thither, subject to the regulations herein-before mentioned; any thing in this act, or in any other act, to the contrary notwithstanding. This act not to extend to bar-iron, or iron wares, till certain duties are laid thereon by the Irish parliament.

V. Provided nevertheless, and it is hereby further enacted by the authority aforesaid, That if any bounty or premium shall be granted or allowed in *Ireland*, on the exportation of such iron or iron wares from thence to the said *British* colonies or plantations, or to any settlement belonging to *Great Britain* on the coast of *Africa*; then, and in such case, the liberty herein-before given to export such iron and iron wares thither directly from *Ireland*, shall, during the continuance of such bounty or premium, cease and determine; and such iron and iron wares shall, in all respects, be subject to the like restrictions and regulations, penalties and forfeitures, as such goods were and would be liable to if this act had not been made. If any bounty shall be granted in Ireland on the exportation of such iron or iron wares, then the liberty granted by this act to cease, etc.

VI. Provided always, and it is hereby further enacted by the authority aforesaid, That no cotton manufactures of any kind, whether mixed or unmixed, shall be permitted to be exported from *Ireland* to *America*. No cotton manufactures to be exported from Ireland to America.

etc. without a proper certificate from some custom-house in Great Britain ;

on forfeiture of the goods.

The liberty hereby granted of exporting Irish manufactures, etc. not to take place till duties are laid thereon equivalent to those on the same manufactures, etc. in Great Britain.

Recital of 25 Geo. 3. c. 31.

and 16 Geo. 3. c. 47.

ported from the said kingdom of *Ireland* to any of the places aforesaid, unless the person or persons exporting the same shall produce and deliver a certificate properly authenticated from the custom house of some port or ports in *Great Britain*, particularizing the quantities, kinds, and marks, of such cotton manufactures, and specifying that such goods have been legally exported from *Great Britain*; and in case any cotton manufactures shall be offered to be exported from the said kingdom of *Ireland* to any of the places aforesaid, without such certificate, or which on examination shall not correspond with the marks, numbers, and descriptions, contained in such certificate, all such manufactures shall be forfeited and seized, and appropriated, one moiety thereof to the informer, and the other moiety to his Majesty, his heirs and successors.

VII. Provided always, and it is hereby declared and enacted, That the liberty hereby granted of exporting goods and merchandize, the manufacture of *Ireland*, to the places herein-before mentioned, shall not take place except in such cases as the said goods and merchandize now do, or hereafter shall, stand chargeable and pay duties and taxes to as great an amount as goods and merchandize of the same denomination and quality exported from *Great Britain* to such places now stand chargeable with, (whether the said charges be on the importation of the materials of which the said goods and merchandize are made, or by duties on the exportation of the same, or by inland excise not drawn back or compensated for by bounties).

VIII. And whereas by an act, made in the fifteenth year of the reign of his present Majesty, (intituled, An act for the encouragement of the fisheries carried on from *Great Britain* and *Ireland*, and the *British* dominions in *Europe*; and for securing the return of the fishermen, sailors, and others employed in the said fisheries, to the ports thereof, at the end of the fishing season); it is amongst other things provided and enacted, That no bounty shall be allowed or paid for any ship or vessel employed as therein mentioned, by virtue of the said or any former act of parliament, unless the whole and entire property of such ship or vessel shall belong to some of his Majesty's subjects residing in that part of his Majesty's dominions from whence such ship or vessel shall be respectively fitted and cleared out: and whereas by another act, made in the sixteenth year of the reign of his present Majesty, (intituled, An act for the further encouragement of the whale fishery carried on from *Great Britain* and *Ireland*, and the *British* dominions in *Europe*; and for regulating the fees to be taken by the officers of the customs in the island of *Newfoundland*); it is amongst other things provided and enacted, That no bounty shall be allowed or paid for any ship which, from and after the first day of August, one thousand seven hundred and seventy-six, shall be fitted out and employed in the whale fishery, in pursuance of the said act, unless the whole and entire property of such ship or vessel shall belong to some of his Majesty's subjects residing in that part of his Majesty's dominions from whence such ship or vessel shall be respectively fitted and cleared out; which said provisos have been found

pre-

prejudicial, inasmuch as they prevent any co-partnership between his Majesty's subjects residing in Great Britain, and his Majesty's subjects residing in Ireland, for carrying on the said fisheries; be it therefore declared and enacted by the authority aforesaid, That the said bounties shall and may be allowed and paid for any ship or vessel, being the property of his Majesty's subjects residing in Great Britain or Ireland, employed in the said whale fisheries, which, from and after the twenty-fourth day of June, one thousand seven hundred and seventy-eight, shall be fitted and cleared out from any port in Great Britain or Ireland, pursuant to the directions of those acts, or any other act of parliament now in force, although the whole and entire property of such ship or vessel shall not belong to some of his Majesty's subjects residing in that part of his Majesty's dominions, from whence such ship or vessel shall be fitted and cleared out; any thing in the said recited acts to the contrary notwithstanding.

The bounties in the recited acts mentioned shall be paid for all vessels the property of his Majesty's subjects in Great Britain or Ireland.

IX. And be it further declared and enacted by the authority aforesaid, That, from and after the twenty-fourth day of June, one thousand seven hundred and seventy-eight, all ships and vessels whatsoever built in *Ireland*, and owned by his Majesty's subjects residing in any part of the *British* dominions in *Europe*, shall be deemed *British*-built, and shall be intitled to the like privileges and advantages in all respects as ships built in *Great Britain*; and all ships and vessels belonging to any of his Majesty's subjects residing in *Ireland*, and not *British*-built, shall be intitled to the same privileges and advantages in all parts of his Majesty's dominions as ships belonging to his Majesty's subjects residing in *Great Britain*, and not *British* or *Irish*-built, are intitled to.

After June 24, 1778, all ships built in *Ireland*, and owned by his Majesty's European subjects, to be deemed *British*-built, etc.

C A P. LVI.

An act to permit the importation of cotton-yarn, the manufacture of Ireland, into this kingdom duty-free.

WHEREAS by an act, made in the twelfth year of the reign of King Charles the Second, intituled, A subsidy granted to the King of tonnage and poundage, and other sums of money, payable upon merchandize exported and imported, a duty was imposed upon all cotton-yarn imported into England: and whereas it is expedient that cotton-yarn, of the manufacture of Ireland, should be imported into Great Britain duty-free; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the twenty-fourth day of June, one thousand seven hundred and seventy-eight, no subsidy, custom, duty, or other imposition whatsoever, shall be demanded, received, or taken, upon any cotton-yarn of the manufacture of *Ireland*, which shall be imported directly from thence into *Great Britain*; provided the master, or person having the charge of

Preamble.
Act 12 Car. 2.
recited.

After June 24, 1778, cotton-yarn, of the manufacture of Ireland, may be imported in

Great Britain
duty free ;
the master of
the vessel
bringing with
him a proper
certificate
from the of-
ficers of the
port where
the goods
were put on
board, etc.

the ship or vessel importing the same, shall bring with him a certificate or certificates from the chief officer or officers of the port or place in *Ireland* where such goods shall be put on board, expressing the marks, number, tale, or weight, of the goods in each bale or package mentioned in the bill or bills of lading, with the name or names, place or places of abode, of the exporter or exporters from *Ireland*, and the name or names, place or places of abode, of such other person or persons that shall have sworn the goods therein mentioned to have been *bona fide* of the manufacture of *Ireland*, without fraud or covin, and where and to whom the same are consigned in this kingdom ; and the master, or person having the charge of the ship or vessel in which such cotton-yarn shall be imported, shall also, upon his arrival, make oath, before the collector, or other principal officer of the customs, at the port of importation, (which oath such collector, or other principal officer of the customs, is and are hereby respectively authorised to administer), that the said bales, parcels, and goods therein contained, are the same bales, parcels, and goods, which were taken on board, by virtue of the said certificate or certificates so to be produced ; any law, custom, or usage, to the contrary notwithstanding.

C A P. LVII.

An act for raising a further sum of money, by loans or exchequer bills, for the service of the year one thousand seven hundred and seventy-eight.

Preamble. Commissioners of the treasury may raise 500,000 l. by loans and exchequer bills, before Jan 5, 1779, in manner as by the land tax act of this session is prescribed, etc. The clauses in the said act relating to loans or bills, extended to this act. Exchequer bills so issued not to be received again in payment of any taxes, nor exchanged before April 6, 1779. Action not to lie for such refusal. Money so raised to be repaid out of the next parliamentary aid ; and if none be granted before July 5, 1779, to be charged on the sinking fund. Monies so issued to be replaced out of the first supplies. Bank of England authorised to advance the said sum on the credit of this act ; act 5 & 6 Gul. & Maræ notwithstanding.

C A P. LVIII.

An act to explain and amend so much of an act, made in the fourth year of the reign of his present Majesty, as relates to the preventing the clandestine conveyance of sugar and paneles from the British colonies and plantations in America into Great Britain.

Preamble.

Act 4 Geo. 3.
recited.

WHEREAS, by an act made in the fourth year of the reign of his present Majesty, (intituled, An act for granting certain duties in the *British* colonies and plantations in *America* ; for continuing, amending, and making perpetual, an act passed in the sixth year of the reign of his late majesty King *George* the Second, intituled, *An act for the better securing and encouraging the trade of his Majesty's sugar colonies in America* ; for applying the produce of such duties, and of the duties to arise by virtue of

of the said act, towards defraying the expences of defending, protecting, and securing, the said colonies and plantations; for explaining an act; made in the twenty-fifth year of the reign of King Charles the Second, intituled, *An act for the encouragement of the Greenland and Eastland trades, and for the better securing the plantation trade*; and for altering and disallowing several drawbacks on exports from this kingdom, and more effectually preventing the clandestine conveyance of goods to and from the said colonies and plantations, and improving and securing the trade between the same and Great Britain;) it was amongst other things enacted, That, from and after the twenty-ninth day of September, one thousand seven hundred and sixty-four, every person or persons, loading on board any ship or vessel, in any of the British colonies or plantations in America, any rum or spirits, sugars or paneles, melasses or syrups, as of the growth, product, or manufacture, of any British colony or plantation, should, before the clearing out of the said ship or vessel, produce and deliver to the collector, or other principal officer of the customs, at the loading port, an affidavit to prove the said rum or spirits, sugars or paneles, melasses or syrups, to be the growth, produce, or manufacture, of the said colonies or plantations, in the manner directed by the said act; and that such collector, or other principal officers of the customs, should, within thirty days after the sailing of the ship or vessel, transmit an exact copy of the said affidavit to the secretary's office for the respective colony or plantation where the goods were shipped, on forfeiture of five pounds, to be recovered in the manner directed by the said act: and whereas by another act, made in the sixth year of the reign of his present Majesty, so much of the said act as related to melasses or syrups has been repealed: and whereas the restrictions and regulations, prescribed by the said act of the fourth year of the reign of his present Majesty, have been found insufficient to prevent the importation of foreign sugar and paneles into this kingdom; for remedy whereof, may it please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of March one thousand seven hundred and seventy-nine, the collector, or other principal officer of the customs, to whom such affidavit shall be produced and delivered, shall (without fee or reward,) within thirty days after the sailing of the ship or vessel, transmit one exact copy of the said affidavit, to the secretary's office, for the respective colony or plantation where the sugar or paneles, referred to in the said affidavit, were shipped; and shall also, within the like space of thirty days, transmit another exact copy of such affidavit to the justices and vestry of the parish and parishes, precinct or precincts, where the said sugar or paneles grew, or were produced and manufactured, on the penalty of forfeiting fifty pounds for every such omission and neglect.

Certain affidavits were to be delivered to the collector, etc. by all persons shipping any sugars or paneles, etc. in the British colonies in America.

After March 1, 1779, the said collector, etc. shall, within 30 days after sailing of the vessel, transmit a copy of the affidavit to the secretary's office for the colony; and another copy to the justices, etc. of the parish where the sugar grew, etc. on penalty of 50l.

II. And be it further enacted by the authority aforesaid, That in case any justice of the peace of the said colonies or plantations shall,

Penalty on justice signing affidavits be

fore they are properly authenticated.

shall, from and after the said first day of *March*, one thousand seven hundred and seventy-nine, subscribe his name to any paper or parchment writing, purporting to be an affidavit for the purpose directed by the said act of the fourth year of the reign of his present Majesty, unless the person or persons, purporting to make such affidavit, shall actually appear before him, and be sworn upon the holy evangelists to the truth of the said affidavit, that then, and in every such case, every such justice of the peace shall forfeit and pay, for every such offence, the sum of fifty pounds.

After March 3, 1779, sugar or paneles imported into Great Britain from America, without a proper certificate, shall pay duties as foreign sugar, etc.

III. And be it further enacted by the authority aforesaid, That, from and after the said first day of *March*, one thousand seven hundred and seventy-nine, if any sugar or paneles shall be imported into *Great Britain*, from any *British* colony or plantation in *America*, without, or shall not be included in, the certificate required in and by the said act of the fourth year of the reign of his present Majesty, that then, and in either such case, all such sugar and paneles shall be deemed and taken to be foreign sugar and paneles, and shall be liable to the same duties, restrictions, regulations, penalties, and forfeitures, in all respects, as sugars and paneles of the growth, produce, or manufacture, of any *French* colony or plantation would be respectively liable to by law; any thing in the said recited act, or any law, usage, or custom, to the contrary in any wise notwithstanding.

Penalties to be sued for, etc. in the same manner as those mentioned in the before recited act.

IV. Provided also, and it is hereby further enacted and declared by the authority aforesaid, That the several penalties herein-before mentioned shall be ~~sued~~ for, had, recovered, distributed, and disposed of, in such and the same manner, to all intents and purposes, as the several penalties mentioned in the said before-mentioned act, of the fourth year of the reign of his present Majesty, are in and by the said act directed to be sued for, had, recovered, distributed, and disposed of.

C A P. LIX.

An act to amend and render more effectual the laws relating to the raising and training the militia within that part of Great Britain called England; and to establish certain regulations with respect to officers serving in the corps of fencible men directed to be raised in that part of Great Britain called Scotland, and certain other corps therein mentioned.

Preamble.

Act & Geo. 3. recited.

WHEREAS it is of the utmost importance to the internal defence of this country, in times of war and danger of invasion, that the militia should be kept up as complete as possible: And whereas by an act, made in the second year of the reign of his present Majesty, intituled, An act to explain, amend, and reduce into one act of parliament, the several laws now in being relating to the raising and training the militia within that part of *Great Britain* called *England*; it is (amongst other things) enacted, That all such militia men, whose times of service in the militia shall be near expiring, during the time the regiment, battalion, or independant company, in which

*which they served, shall be embodied and absent from the county, riding, or place, to which they belong, shall be returned, by the commanding officer of such regiment, battalion, or independant company, to the county, riding, or place, for which they serve, so as that they may reach the said county by the expiration of their term; but no provision is made for the immediate supply of others in the place of such militia men so returned as aforesaid, the want of which, in actual invasion, or immediate danger thereof, might be of the utmost detriment to the publick safety: and whereas it would not only greatly promote the publick service, but be of much ease and advantage also to such persons as may be chosen by lot for such corps of militia as may be at a distance from home, and to others, who may be willing to serve as substitutes for the same, if such persons, whose times shall be near expiring, were to be engaged to continue as substitutes for such as may be chosen by lot, as aforesaid; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That whenever any corps of militia shall be embodied and absent from the county, riding, or place, to which it belongs, the commanding officer of such corps shall apply to every man whose time shall be within four months of expiring, and who in his judgement shall be fit to serve, and enquire if he be willing to continue his service for a further term of three years, and for what sum or price he shall be so willing to continue it, if required; and also that the commanding officer of every corps, during such time as the same shall be embodied, and at a distance from home, as aforesaid, shall, on the first day of *January, March, May, July, September, and November*, respectively, or as soon after as conveniently may be, transmit to the clerk of the general meeting of the county or riding to which his corps shall belong, a list of all such private militia men in the said corps whom, upon application made as aforesaid, he shall find willing to renew their service as aforesaid; in which list shall likewise be set down the sum for which he shall be so willing to renew and continue his service as aforesaid; which list shall be signed by the militia men so consenting as aforesaid, and be made in the following form:*

Directions for commanding officers, when the militia is embodied, and at a distance from home.

List of private men willing to renew their service, to be transmitted to the clerk of the general meeting;

dated the day of .

| Name of the County | Names of the Men actually serving. | If substitutes, for whom they serve. | Of the Parish of | In the Hundred of | Time of his service expires on the | Engages to serve 3 Year longer if required, for the Sum of | Signature of Consent. |
|--------------------|------------------------------------|--------------------------------------|------------------|-------------------|------------------------------------|--|-----------------------|
| | A. B. | C D. | P. | H. | | | A B. |
| | E. F. | | Q. | I. | | | E. F. |
| | G K. | L. M. | R. | N. | | | G K. |

and that such signature as aforesaid shall be binding and conclusive, to all intents and purposes, on the person so signing as aforesaid.

who shall transmit duplicates to the clerks of the subdivision meetings:

Seven days after which, subdivision meetings shall be held.

Business to be done at those meetings.

II. And be it enacted by the authority aforesaid, That the clerk of the general meeting shall transmit to each clerk of the several subdivision meetings respectively, duplicates or copies of such parts of the said lists as contain the names of such persons as serve for the parishes, townships, or places, within such respective subdivisions; and the clerk of each subdivision meeting respectively shall, on receipt thereof, forthwith give seven days notice for a subdivision meeting to be held, at which the whole number, whose times shall expire within four months of the date of the said lists, shall be chosen by lot, or otherwise supplied, according to the statutes in that case made and provided; and the deputy lieutenants or justices present at the subdivision meeting, when the men so chosen shall attend to be sworn and enrolled, shall acquaint each man who shall be chosen for any parish, township, or place, in the said subdivision, if there be any of those who are at that time serving for the same, who are willing to continue his or their service as substitute or substitutes for the next three years, after the expiration of his or their present term of service, and also with the price or prices for which he or they are willing so to continue the same; and the person or persons chosen as aforesaid shall declare whether he or they be willing to give the prices which shall appear, by the lists aforesaid, to be agreed to be taken by the persons then serving, who shall have signed their consents as above directed; and such persons as are willing so to give

give the sums so set down as aforesaid, shall signify their consent thereto, and shall forthwith pay, into the hands of the deputy lieutenants or justices, such sum or sums as stand respectively in the said lists against the names so subscribed as aforesaid; which sum or sums of money shall be, by the said deputy lieutenants or justices, remitted to the commanding officer of the corps of militia, and be by him paid to such persons respectively as shall have engaged to serve as above-mentioned, who, on the receipt thereof, shall be sworn and inrolled as is herein-after directed: and that it shall and may be lawful for any justice of the peace for the county, riding, city, division, or place, where such regiment, battalion, or independant company, shall happen to be, to administer the oath to every such militia man; and such justice is hereby required to certify such oath, under his hand and seal, to the commanding officer of the regiment, battalion, or independant company, according to the form herein-after directed; which certificate shall be good and valid to all intents and purposes, as if the person so sworn had been inrolled.

Justice to administer the oath to militia men, and to certify the same.

Form of CERTIFICATE.

shire, } A. B. of the parish of C. in the county of D. hired as a
to wit. } substitute to serve in the militia for E. F. of the parish
of G. in the county of H. came this day before me J. K.
one of his Majesty's justices of the peace for the county of
and took and subscribed the following
oath; videlicet,

Form of certificate.

I A. B. do sincerely promise and swear, that I will be faithful and bear true allegiance to his majesty King George, his heirs and successors; and I do swear that I am a protestant, and that I will faithfully serve in the militia within the kingdom of Great Britain for the defence of the same, during the time which I am so certified for, unless I am sooner discharged.

So help me *G O D*.

III. And be it further enacted by the authority aforesaid, That in all counties where the number of men is sufficient to form two companies only, the eldest captain shall rank as major, but shall only be intitled to the pay of captain; and no clerk shall be allowed where the number of men is sufficient to form only one or two companies, but the receiver-general shall pay the money necessary for such number of men to the commanding officer of such company or companies, who shall account with him for the same.

In counties where there are only two companies, the eldest captain to rank as major, etc.

IV. And whereas, by the laws now in being for raising and training the militia, within that part of Great Britain called England, it is provided, that the acceptance of a commission in the said militia shall not vacate the seat of any member returned to serve in parliament: and whereas his Majesty has thought proper, for the more effectual

Acceptance of a commission in any corps of fencible men raised, or to be raised,

in Great Britain, in which the officers shall not be intitled to half pay, etc. on reduction thereof, shall not vacate a seat in parliament.

protection and internal defence of that part of Great Britain called Scotland, to direct that fencible men, in several of the shires in that part of the united kingdom, should be forthwith raised and embodied: and whereas officers, serving in any of the said corps of fencible men, will not, by virtue of such service, be intitled to receive half-pay, or to have any rank in the army, after the said corps shall be dismissed and disembodied, but will be similar to, and as near as may be on the same footing with officers serving in the militia of England: and whereas his Majesty may think proper to grant commissions to officers to raise corps for the defence of this country, the officers of which corps may likewise not be intitled to receive half-pay, or to hold any rank in the army, after the said corps shall be reduced and disembodied; be it enacted and declared, That the acceptance of a commission in any corps of fencible men, raised or to be raised in that part of Great Britain called Scotland, or in any other corps which his Majesty may authorise and direct to be raised in any part of Great Britain, in which the officers shall not be intitled to half-pay, or to any rank in the army, after the reduction of the said corps, shall not, nor shall be construed to vacate the seat of any member returned to serve in parliament.

Officers in new raised corps of fencible men, and militia officers, to rank according to seniority.

V. And whereas it is necessary to ascertain the rank to be held by the officers of certain corps raised, or to be raised, within that part of Great Britain called Scotland, called fencible men, or of any other corps of men which may be raised within Great Britain, wherein such officers shall not be intitled to rank or half-pay, except during the time of the actual service of such corps, with respect to the officers of the militia of that part of Great Britain called England, during the time that the officers of such corps, and of the militia, shall serve together; be it therefore enacted by the authority aforesaid, That the officers of such corps and of the militia, of equal degree, shall rank according to the date of their respective commissions.

Lord lieutenant of the county, in certain cases, may give a commission to a lieutenant colonel.

VI. And be it enacted by the authority aforesaid, That where a battalion of militia is commanded by a lieutenant colonel, who shall have been commandant of the same for five years or longer, it shall be lawful for the lord lieutenant of the county, riding, or place, to which such militia shall belong, with the consent of his Majesty, to give to such lieutenant colonel commandant a commission of colonel, any thing in any act of parliament to the contrary notwithstanding.

No quarter-master, surgeon, or battalion clerk, to be promoted lieutenant.

VII. And it is hereby further enacted by the authority aforesaid, That no person, serving as quarter-master, surgeon, or battalion clerk, in the militia, shall, from the time of passing this act, be appointed to any other commission in the militia, higher than that of a lieutenant, during the time he acts as such, though he should have such qualification as the law requires for such higher commission.

Commanding officer, with the consent of the lord lieutenant, etc. may accept of

VIII. And whereas, in and by the said recited act, it is (amongst other things) enacted, That when the militia of any county, riding, or place, should be ordered out into actual service, it should and might be lawful for the captain of any company of militia to augment his company, by incorporating, with the consent of his Majesty's lieutenant, or,

or, in the absence of his Majesty's lieutenant, with the consent of two or more of the deputy lieutenants, any number of persons who should offer themselves as volunteers, and who should appear to him to be sufficiently trained and disciplined, and provided with proper clothes, arms, and accoutrements, and who should take the oath, and perform the other acts therein prescribed; be it further enacted by the authority aforesaid, That it shall and may be lawful for the commanding officer, with the consent of his Majesty's lieutenant, or, in the absence of his Majesty's lieutenant, with the consent of any two or more of the deputy lieutenants, to accept a number of volunteers to serve in the said militia, either to be incorporated into the other companies, or to be formed into a distinct company; in which latter case commissions may be granted by his Majesty's lieutenant to officers legally qualified to command the same.

volunteers, to be incorporated into the other companies, or to form a distinct company.

IX. Provided always, That the number of volunteers in any battalion shall not exceed the number of men contained in any one company of the said battalion; and though such volunteers should not be provided with proper clothes, arms, and accoutrements, upon the representation of his Majesty's lieutenant, or of two or more of the deputy lieutenants, such volunteers shall have the same allowance, with regard to pay, arms, clothes, and accoutrements, as militia men are by law intitled to, during the time of their continuing in actual service.

Number of volunteers in any battalion not to exceed the number of men in one company of the same, etc.

X. And be it further enacted by the authority aforesaid, That no person who is intitled to half-pay shall be deemed or taken to forfeit or quit such half-pay, during the time he shall serve as a lieutenant or ensign in any regiment, battalion, or independant company of militia, but that the same shall nevertheless continue; and, instead of the oath now appointed, such officer shall take the following oath:

Officers intitled to half-pay, not to forfeit the same by serving as lieutenants or ensigns in the militia.

I A. B. do swear, That I had not, between the any place or employment of profit, civil or military, under his Majesty, besides my allowance of half-pay as a reduced in late regiment of

Oath to be taken by such officers.

(or allowance as in late troop of horse guards, or regiment of horse reduced,) save and except my pay as a lieutenant or ensign (as the case may be) for serving in the militia of the county of

And the taking the said oath shall be sufficient to intitle such person to receive his half-pay, or the said allowance, without taking any other oath; any thing in the said recited act, or any other law, statute, or usage, to the contrary notwithstanding.

XI. And be it further enacted by the authority aforesaid, That at any meeting for any county, city, or town, whose militia shall be at that time on actual service, it shall be lawful for any two or more of the deputy lieutenants of such county, city, or town, or for any one deputy lieutenant together with any one justice of the peace of such county, to have and exercise all the powers

When militia is on actual service, two deputy lieutenants, etc. shall have the same powers at meetings,

are vested in
three deputy
lieutenants,
etc. by the re-
cited act.

conferred, by the said recited act, with respect to the militia, on any three deputy lieutenants, or any two deputy lieutenants together with any one justice of the peace, or any one deputy lieutenant together with any two justices of the peace, of any county at large, any thing in the said recited act to the contrary notwithstanding; and that the said deputy lieutenant or deputy lieutenants, and justice of the peace or justices of the peace, as aforesaid, shall have a power to adjourn themselves from time to time as they shall see proper.

Explanation
of the recited
act in relation
to militia men
who shall ab-
scond or de-
sert.

XII. *And whereas doubts have arisen whether any principal or substitute, duly sworn and inrolled, according to the act of the second year of his present Majesty, who shall neglect to join the corps to which he belongs, or who after having joined it shall desert or absent himself from his duty in the same, before the expiration of the term for which he was so sworn and inrolled, can be taken up and punished according to law, after the expiration of the three years for which he was so engaged and sworn; it is hereby declared to be the true intent and meaning of the said act, That every principal, substitute, and volunteer, shall faithfully perform his three years service; and if he shall abscond or desert, or absent himself from his duty in the same, before the expiration of the time for which he was inrolled, whenever he is taken, he shall be subject to be punished for such default or desertion, and shall be obliged to complete the remainder of his three years service as was unexpired at the time of such his default or desertion.*

Substitutes de-
serting, shall,
besides suffer-
ing military
punishment,
serve three
years from the
day of their
apprehension

XIII. *And whereas several persons have made a practice of taking money to serve, and have deserted, and the pecuniary penalty on such persons in general cannot be levied for want of substance, and the alternative of six months imprisonment, in the common gaol of the county to which they belong, tends not only to corrupt instead of amending their morals, but is a loss to the publick as well as to their families, and also a great expence to such parish as is by law obliged to support such families; be it therefore enacted by the authority aforesaid, That every substitute, sworn and inrolled after passing this act, who shall desert, whenever he shall be taken, over and above such military punishment as shall be inflicted on him, shall serve for and during the space of three years, to be computed from the day on which he was apprehended; and the commanding officer shall order notice to be given, to the clerk of the subdivision in which he is engaged to serve, of his desertion, and the time of his apprehension, that he may make a fresh entry of his name in the roll of the men to serve for such parish, for three years from the time of his apprehension, as aforesaid.*

When any
militia man
deserts, com-
manding of-
ficer to certify
the same to
the deputy
lieutenants,
etc.

XIV. *And be it enacted by the authority aforesaid, That in case any principal, substitute, or volunteer, shall abscond, desert, or absent himself from his duty, and shall not return or be taken in the space of three months, that then, upon certificate thereof from the commanding officer of the regiment, battalion, or independant company, to the deputy lieutenants and justices of the peace of the hundred or division for which such person so absconding, deserting, or absenting himself, was so chosen by lot, hired,*

hired, or served as substitute or volunteer; and such deputy lieutenants and justices of the peace are hereby required to hold a subdivision meeting, and to proceed to ballot for another person to serve and be returned to the regiment, in the room of such person so having absconded, deserted, or absented himself; and in case such absentee shall at any time return or be taken, he shall, notwithstanding any person shall be so chosen to serve in his room, be compelled to serve out the remainder of his time, as herein-before directed.

XV. *And whereas, in order to evade the provisions already made by the laws now in being concerning the raising of the militia, persons may pretend to be quakers who are not actually of that persuasion,* be it enacted by the authority aforesaid, That, from and after the passing of this act, when the lot shall have fallen on any one being, or pretending to be, one of the people called *Quakers*, no man shall be deemed, taken, and accepted to be a quaker within the meaning of the said recited act, of the second year of the reign of his present Majesty, unless he produces, before the deputy lieutenant and justices of the peace at their subdivision meeting, a certificate, under the hand of two or more reputable housekeepers of the people called *Quakers*, acknowledging him to be one of their persuasion.

who shall hold a subdivision meeting, and ballot for another person to serve in his room.

Persons ballotted pretending to be Quakers, must produce a certificate thereof, signed by two reputable housekeepers of that persuasion.

XVI. *And whereas doubts have arisen whether persons employed in his Majesty's dock-yards, are by the said recited act, made in the second year of the reign of his present Majesty, liable to serve, by themselves or substitutes, as militia men; for obviating such doubts,* be it enacted by the authority aforesaid, That no person or persons actually employed or mustered in his Majesty's dock-yards shall be compelled to serve personally, or provide a substitute to serve in the militia; any thing in the said recited act, or any other law, to the contrary notwithstanding.

Persons employed in his Majesty's dock-yards not liable to serve as militia men;

XVII. Provided also, and be it further enacted, That no person actually employed and mustered in his Majesty's service at the *Tower of London, Woolwich Warren, the several gun-wharfs at Portsmouth, Chatham, Sheerness, and Plymouth, or at the several powder-mills, powder magazines, or other storehouses belonging to his Majesty, under the direction of the board of ordnance,* shall be compelled to serve personally or find a substitute in the militia; any law, usage, or custom, to the contrary notwithstanding.

nor those employed in his Majesty's service at the Tower, Woolwich Warren, the gun-wharfs, etc.

XVIII. And be it enacted by the authority aforesaid, That any person who shall have faithfully served as a serjeant in any one corps of militia for fifteen years, and who shall be discharged from the same, on account of his age or infirmities, during the time the corps in which he served shall be in actual service, shall, on the recommendation of the commanding officer of the said corps, and the lord lieutenant and two deputy lieutenants of the county, riding, or place, to which the said corps belongs, or on the death or removal, or in the absence of the lord lieutenant, by the commanding officer and three deputy lieutenants of the county, riding, or place, to which the said corps belongs, be

Serjeants who shall have served 15 Years in any one corps of militia, and discharged on account of age, etc. shall be intitled to examination at the Chelsea board, etc.

Serjeants on the establishment of Chelsea Hospital at 1s. a day, being appointed to serve in the militia, shall receive the said allowance, together with their pay in the militia.

Serjeants of Militia, who for misbehaviour, are reduced to the ranks, shall be obliged to serve a year therein, notwithstanding they may have already served three years.

In certain counties, lord lieutenant may appoint two field officers without pay, etc.

Every person chosen by lot to serve in the militia, shall be liable thereto, notwithstanding he may have changed the place of his abode.

If three deputy lieutenants shall not attend at any general meeting, the same to be adjourned.

entitled to examination at the *Chelsea* board, and be capable to be placed on the pension of five-pence *per diem*, if the said board shall judge him deserving thereof.

XIX. And be it enacted by the authority aforesaid, That any person being a serjeant on the establishment of *Chelsea Hospital*, at an allowance of twelve-pence a day, and being appointed to serve in any corps of militia, shall and may receive the said allowance of twelve-pence a day, together with his pay from the said corps of militia; any law, usage, or custom, to the contrary thereof notwithstanding.

XX. And be it enacted, That any serjeant of militia (who shall, by the commanding officer of his regiment, or by the sentence of a court-martial, be found guilty of misbehaving himself as such, and to have deserved being reduced into the ranks) shall, besides any punishment so to be inflicted by the court-martial, be obliged to serve in the regiment to which he belongs as a private militia man for the space of one year from the time of his being so reduced into the ranks, notwithstanding he may have already served three years before his being appointed a serjeant.

XXI. And be it enacted by the authority aforesaid, That in all counties where the number of men are sufficient to form four companies, but not sufficient to form a regiment, it shall and may be lawful to and for his Majesty's lieutenant to appoint two persons legally qualified to serve without pay as field officers in such battalion, with the same rank as if the number were sufficient to form a regiment.

XXII. And whereas the several militia acts do not sufficiently explain how far any person, chosen by lot to serve in the militia, shall be compellable to serve, if he has removed from the place wherein his name was inserted in the list before he was so chosen by lot: and whereas many impediments and delays have arisen to the militia service from such uncertainty, and from the different opinions which prevail among the deputy lieutenants and justices of the peace respecting this question; and servants and unmarried men have availed themselves of these doubts, and have frequently changed their places of abode on purpose to avoid the service, by which means the lots usually fall on married men, and the burthen thereby becomes unequal; be it therefore enacted by the authority aforesaid, That every person chosen by lot to serve in the militia, shall be liable to such service, notwithstanding such removal.

XXIII. And be it further enacted by the authority aforesaid, That in case three deputy lieutenants shall not attend at any annual or other general meeting appointed, by virtue of the several laws now in force for raising and training the militia, for any county, riding, or place, that two or one deputy lieutenants or deputy lieutenant attending at such meeting, shall and may adjourn such meeting to any other time, and to any place in such county, riding, or place; and in case no deputy lieutenant shall attend at the time and place appointed for such meeting, that then the clerk of the general meetings, or his deputy then and

and there attending, shall and may adjourn such meeting to any other time, and to any place, in such county, riding, or place.

XXIV. *And whereas the families of substitutes, hired men, or volunteers, serving in the militia when embodied and called out into actual service, and ordered to march, may become chargeable to the parishes to which they belong;* be it therefore enacted by the authority aforesaid, That one-half of the allowance made to such families shall be reimbursed to the overseer or overseers of the parish, tithing, or township, where the family of any such substitute, hired man, or volunteer, shall become chargeable, by the treasurer of the county, riding, or place, in which such parish, tithing, or township, shall lie; and the account of the said overseer and overseers, verified on oath before a justice of the peace within the county, riding, or place, in which the family of such substitute, hired man, or volunteer, shall be chargeable, and countersigned by a justice of the peace for such county, riding, or place, shall be a sufficient voucher to the said treasurer for the payment of such sum.

When the families of substitutes, etc. become chargeable to their parishes, half the expenses shall be reimbursed to the overseers by the treasurer of the county, etc.

XXV. Provided always, That any relief which shall be given to the family of any militia man, during the time of actual service, shall not deprive such militia man from voting for the election of any member to serve in parliament.

Proviso.

XXVI. *And whereas the deputy lieutenants, chief magistrates, and justices of the peace, in several counties, cities, and places, where the militia have been raised, have in some instances proceeded to chuse by lot, and to swear in militia men and substitutes for such respective counties, cities, and places, previous to the times at which the same ought to have been done pursuant to the provisions contained in the militia laws now in being;* be it enacted by the authority aforesaid, That such proceedings of the said deputy lieutenants, chief magistrates, and justices of the peace, are hereby declared valid and effectual; and the said deputy lieutenants, chief magistrates, and justices of the peace, are hereby respectively indemnified for such their proceedings.

Deputy lieutenants, etc. indemnified for having sworn in militia men, etc. previous to the times appointed for that purpose.

XXVII. And be it further enacted by the authority aforesaid, That any person holding, or hereafter accepting a commission in the militia of a higher rank than that of lieutenant, not having already delivered in his qualification, who shall neglect to deliver in, to the clerk of the peace of the county, riding, or place, in and for which he is or shall be appointed, a specifick description of his qualification, in writing, signed by himself, within six months after the passing of this act, or within the space of six months from the time of his accepting of such commission as aforesaid, shall be, and is hereby declared incapable of holding the same, and the said commission is hereby declared null and void to all intents and purposes whatsoever.

All militia officers above the rank of lieutenant, to deliver in their qualifications within six months after the passing this act, or after accepting their commissions; otherwise such commissions to be void.

XXVIII. *And whereas an act was made in the twenty-fourth year of the reign of his late majesty King George the Second, (intituled, An act for rendering justices of the peace more safe in the execution of their office; and for indemnifying constables, and others, acting in obedience to their warrants:)* And whereas it is necessary

The benefits, etc. granted to justices by an act of 24 Geo. 2. extended to lieutenants, etc.

acting in execution of Militia laws:

necessary to extend the provisions of the said act to this act, with respect to lieutenants and deputy lieutenants; be it therefore enacted by the authority aforesaid, That all and every lieutenant and deputy lieutenant, acting in the execution of the militia laws, shall be intitled to all the benefits and protections by the said act granted to such justices of the peace.

C A P. LX.

An act for relieving his Majesty's subjects professing the popish religion from certain penalties and disabilities imposed on them by an act, made in the eleventh and twelfth years of the reign of King William the Third, intituled, An act for the further preventing the growth of popery.

Preamble.

Act 11 and 12
Gul. 3.

Certain clauses in the said act, relating to the prosecuting popish bishops, etc. and imprisoning for life papists who keep schools; and disabling papists to inherit lands by descent, etc. in England or Wales, etc. etc.

repealed.

Persons having or claiming any lands, etc. under titles hitherto

WHEREAS it is expedient to repeal certain provisions in an act of the eleventh and twelfth years of the reign of King William the Third, intituled, An act for the further preventing the growth of popery, whereby certain penalties and disabilities are imposed on persons professing the popish religion; may it please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That so much of the said act as relates to the apprehending, taking, or prosecuting, of popish bishops, priests, or jesuits; and also so much of the said act as subjects popish bishops, priests, or jesuits, and papists, or persons professing the popish religion, and keeping school, or taking upon themselves the education or government or boarding of youth, within this realm, or the dominions thereto belonging, to perpetual imprisonment; and also so much of the said act as disables persons educated in the popish religion, or professing the same, under the circumstances therein mentioned, to inherit or take by descent, devise, or limitation, in possession, reversion, or remainder, any lands, tenements, or hereditaments, within the kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, and gives to the next of kin, being a protestant, a right to have and enjoy such lands, tenements, and hereditaments; and also so much of the said act as disables papists, or persons professing the popish religion, to purchase any manors, lands, profits out of lands, tenements, rents, terms, or hereditaments within the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, and makes void all and singular estates, terms, and other interests or profits whatsoever out of lands, to be made, suffered, or done, from and after the day therein mentioned, to or for the use or behoof of any such person or persons, or upon any trust or confidence, mediately or immediately, for the relief of any such person or persons; shall be, and the same, and every clause and matter and thing herein-before mentioned, is and are hereby repealed.

II. And be it enacted by the authority aforesaid, That every person and persons having or claiming any lands, tenements, or hereditaments, under titles not hitherto litigated, though derived

rived from any descent, devise, limitation, or purchase, shall have, take, hold, and enjoy, the same, as if the said act, or any thing therein contained, had not been made; any thing in the said act contained to the contrary notwithstanding.

litigated, shall hold the same, notwithstanding the said act.

III. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to affect any action or suit now depending, which shall be prosecuted with effect, and without delay.

This act not to affect any action now depending, etc.

IV Provided also, That nothing herein contained shall extend, or be construed to extend, to any person or persons but such who shall, within the space of six calendar months after the passing of this act, or of accruing of his, her, or their title, being of the age of twenty-one years, or who, being under the age of twenty-one years, shall, within six months after he or she shall attain the age of twenty-one years, or being of unsound mind, or in prison, or beyond the seas, then within six months after such disability removed, take and subscribe an oath in the words following :

nor to extend to any person who shall not, within six months after passing this act, or coming of age, etc. take the following oath.

I A. B. do sincerely promise and swear, That I will be faithful and bear true allegiance to his majesty King George the Third, and him will defend, to the utmost of my power, against all conspiracies and attempts whatever that shall be made against his person, crown, or dignity; and I will do my utmost endeavour to disclose and make known to his Majesty, his heirs and successors, all treasons and traitorous conspiracies which may be formed against him or them; and I do faithfully promise to maintain, support, and defend, to the utmost of my power, the succession of the crown in his Majesty's family, against any person or persons whatsoever; hereby utterly renouncing and abjuring any obedience or allegiance unto the person taking upon himself the stile and title of Prince of Wales, in the life time of his father, and who, since his death, is said to have assumed the stile and title of King of Great Britain, by the name of Charles the Third, and to any other person claiming or pretending a right to the crown of these realms; and I do swear, that I do reject and detest, as an unchristian and impious position, That it is lawful to murder or destroy any person or persons whatsoever, for or under pretence of their being hereticks; and also that unchristian and impious principle, that no faith is to be kept with hereticks: I further declare, that it is no article of my faith, and that I do renounce, reject, and abjure, the opinion, that princes excommunicated by the pope and council, or by any authority of the see of Rome, or by any authority whatsoever, may be deposed or murdered by their subjects, or any person whatsoever: and I do declare, that I do not believe that the pope of Rome, or any other foreign prince, prelate, state, or potentate, hath, or ought to have, any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within this realm. And I do solemnly, in the presence of God, profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words of this oath; without any evasion, equivocation, or mental reservation whatever, and without any dispensation already granted by the pope, or any authority of the see of Rome, or any person whatever; and without thinking

The oath.

thinking that I am or can be acquitted before God or man, or absolved of this declaration, or any part thereof, although the pope, or any other persons or authority whatsoever, shall dispense with or annul the same, or declare that it was null or void.

Court of chancery, courts of record at Westminster, courts of great sessions in Wales, etc. may administer the oath.

A register to be kept of the taking and subscribing the same.

This act not to extend to any popish bishop, etc. who shall not have taken the said oath before he was apprehended, etc.

Which oath it shall be competent to his Majesty's high court of chancery, or to any of his Majesty's courts of record at *Westminster*, the courts of great sessions within the principality of *Wales* and county palatine of *Chester*, the courts of chancery or common pleas within the counties palatine of *Lancaster* and *Durham*, or to any court of general or quarter sessions of the peace of any county, riding, liberty, city, borough, town, or place, in the kingdom of *England*, or in the principality of *Wales*, to administer, and they are hereby required to administer the same accordingly: of the taking and subscribing of which oaths a register shall be kept and preserved, in the manner prescribed by the laws now in being requiring oaths from persons taking offices or employments.

V. Provided always, and it is hereby enacted and declared, That nothing in this act contained shall extend, or be construed to extend, to any popish bishop, priest, jesuit, or schoolmaster, who shall not have taken and subscribed the above oath in the above words before he shall have been apprehended or any prosecution commenced against him.

C A P. LXI.

An act for repealing certain provisions in two acts, made in the first year of the reign of Queen Anne; one intituled, An act for the relief of the protestant purchasers of the forfeited estates in Ireland; and the other intituled, An act for advancing the sale of the forfeited estates in Ireland, and for vesting such as remain unsold by the present trustees in her Majesty, her heirs and successors, for such uses as the same were before vested in the said trustees; and for the more effectual selling and setting the said estates to protestants; and for explaining several acts relative to the lord Bophin and sir Redmond Everard.

Preamble.

Recital of an act of 1 Anne, sess. 1.

WHEREAS by an act, passed in the first session of the first year of Queen Anne, intituled, An act for the relief of the protestant purchasers of the forfeited estates in Ireland, it is enacted, *That all dispositions and sales of the several lands, tenements, and hereditaments, estates and interests, therein mentioned, which had been then sold or contracted for, or should be thereafter sold, by the trustees therein mentioned, should be made to protestants only; and that every papist, or person professing the popish religion, should be disabled and made incapable to take any part thereof, or any interest in or out of the same; and that all conveyances and declarations of trust to any papist, or person professing the popish religion, concerning the same, should be void and of none effect; and that no such papist, or person professing the popish religion, during his continuing to be such, should be capable to inherit, take, or make title to, by descent, purchase, limitation,*

mitation, devise, or other conveyance, or to have, hold, or enjoy, any of the said lands, tenements, and hereditaments, estates or interests, or any trust or interest therein; and that if any person professing the popish religion, or educated in the same, and not having solemnly and publickly renounced it, being of full age, shall not, within the space of six months after the accruing of his or her title, or, being under the age of eighteen years, shall not, within six months after he or she shall attain the age aforesaid, take the oath of allegiance and supremacy, and subscribe the declaration in the said act mentioned, and continue to be a protestant, every such person shall be disabled to inherit or take by descent, devise, or limitation, or purchase, any of the said estates or interests, or any trust or interest in or out of the same; but that, during the life of such person, or till his conformity, the next of his kindred who shall be a protestant shall have and enjoy the premises, without being accountable for the profits; and that all leases for lives or years, or otherwise, to be made of any of the said premises, shall be made to such persons only as are of the protestant religion: and if any such lease shall be made to, or in trust for, any papist, or person professing the popish religion; or if any such lease be made to a protestant, and the same shall be afterwards assigned to, or in trust for, a papist, or person professing the popish religion, every such lease and assignment shall be void, and the person making such lease or assignment, and the person to whom, or for whose use or benefit, the same shall be made, (in case of acceptance,) shall forfeit treble the full value of the said lands so assigned and accepted: and whereas the said several prohibitions and penalties were re-enacted and further enforced, by an act passed in the second session of the first year of her majesty Queen Anne, intituled, An act for advancing the sale of the forfeited estates in Ireland; and for vesting such as remain unsold by the present trustees in her Majesty, her heirs and successors, for such uses as the same were before vested in the said trustees; and for the more effectual selling and setting the said estates to protestants; and for explaining several acts relative to the lord Bophin and sir Redmond Everard: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of same, That the said herein-recited acts, passed in the first year of the reign of her late majesty Queen Anne, so far as they prohibit, disqualify, or disable any papist, or person professing the popish religion, from taking, holding, or enjoying, any estate, right, title, interest, claim, property, or demand, of, to, or in, any of the lands, tenements, hereditaments, estates, or interests, in the said acts mentioned; or which inflict any penalty on the person making or accepting any interest in the same, shall, from and after the passing of this act, be repealed, and cease and be void to all intents and purposes whatsoever.

Which was further enforced by an act of the same year, sess. 2.

The recited acts in part repealed.

C A P. LXII.

An act to continue an act, made in the sixteenth year of his present Majesty, intituled, An act to authorize, for a limited time, the punishment, by hard labour, of offenders who, for certain crimes, are or shall become liable to be transported to any of his Majesty's colonies and plantations.

Preamble.

16 Geo. 3. c.
43. recited,

and further
continued till
June 1, 1779.

WHEREAS an act of parliament was made in the sixteenth year of the reign of his present Majesty, intituled, An act to authorize, for a limited time, the punishment, by hard labour, of offenders who, for certain crimes, are or shall become liable to be transported to any of his Majesty's colonies and plantations: and whereas the said act is near expiring; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said act shall be, and is hereby continued, from the expiration thereof, until the first day of June, one thousand seven hundred and seventy-nine.

C A P. LXIII.

An act for enabling trustees under particular turnpike acts, to meet and carry such acts into execution, notwithstanding they may not have met or adjourned agreeable to the directions of such acts; and for preventing disputes touching the payment of tolls for horses or carriages belonging to or employed by officers or soldiers on duty.

Preamble.

WHEREAS it has happened, and may hereafter happen, that the trustees appointed, or to be appointed, by act of parliament, for amending or repairing particular turnpike roads, have omitted, or may omit, to meet or adjourn in the manner directed by such acts respectively, or that the day or days, appointed for the first meeting of the trustees, has or have elapsed, or may elapse, before the passing of such acts respectively, whereby the intent of such respective acts hath been or may be frustrated; for remedy whereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That in all cases where the trustees, appointed, or to be appointed, by any act or acts of parliament, made or to be made, for amending or repairing any particular turnpike roads, shall not have met, or shall not meet, on the day or days appointed, or to be appointed, for their first meeting, by any such act or acts respectively, or on any day or days appointed, or to be appointed, by adjournment, for their meeting, or have not adjourned, or shall not adjourn, in the manner directed by any such act or acts of parliament, or when the day appointed, or to be appointed, for the first meeting of the trustees, has elapsed, or may elapse, before the passing of such act or acts; it shall and may be lawful for any five or more of the trustees appointed to execute such act or acts respectively, in any or either of the cases aforesaid,

In case the
trustees under
any act for
repairing
turnpike roads
shall neglect to
meet on the
day appointed,
etc.

any five tru-
stees may ap-
point a meet-
ing.

aforesaid, to cause notice, under their hands, to be affixed on all the turnpike gates which shall be then erected on such roads respectively; or, if no turnpike gate shall be then erected, to cause the like notice to be affixed in some conspicuous place, in one of the market-towns near the roads directed to be repaired as aforesaid, and also to be published in some newspaper circulated in that part of the country, at least twenty days before the intended meeting, appointing the trustees to meet at the place where the last preceding meeting was appointed to have been held, or at the place directed for the first meeting of such trustees, if no preceding meeting shall have been held; and the said trustees, when met in pursuance of such notice, shall and may, and they are hereby empowered to carry such act or acts into execution, in the same and as full and ample a manner, to all intents and purposes, as they might or could have done, if no such neglect or omission had happened, or such act or acts had been passed previous to the day or days appointed for the first meeting of the trustees respectively, and such trustees had met on such day or days according to such appointment.

II. *And whereas disputes have arisen with respect to the exemptions meant to be allowed, by several acts of parliament for repairing of publick roads within this kingdom, for the horses of officers and soldiers upon their march or duty, and for carriages attending them; in order to prevent such disputes for the future, be it enacted and declared by the authority aforesaid, That no toll or duty whatsoever shall be demanded or taken, by virtue of any act of parliament already made, or hereafter to be made, for repairing any of the publick roads within this kingdom, for or in respect of any horses belonging to officers or soldiers upon their march or upon duty, or for any horses, cattle, or carriages, employed in carrying or conveying the arms or baggage of any such officers or soldiers, or in carrying any sick, wounded, or disabled officers or soldiers; and no carriages so employed shall be subject to be weighed at any engine erected, or to be erected, upon any turnpike road, or the owner or driver thereof liable to any penalty or forfeiture for carrying any greater weight than is or may be allowed by law to be conveyed in any such carriage, any act of parliament made or to be made to the contrary hereof notwithstanding.*

Carriages and cattle employed in carrying the arms or baggage of officers or soldiers on their march, etc. exempted from tolls.

Such carriages not liable to be weighed.

C A P. LXIV.

An act for enabling his Majesty to raise the sum of one million, for the uses and purposes therein mentioned.

Preamble. Credit of loan granted to his Majesty for 1,000,000l. Treasury may raise the same by loans or exchequer bills, in like manner as is prescribed by the land tax act of this session, concerning loans, etc. The charges, etc. in the said act relating to loans or exchequer bills, (exception) extended to the loans, etc. to be made in pursuance of this act. Principal and interest, with charges, to be paid out of the next supplies, and if none sufficient be granted before July 5, 1779, then to be paid out of the sinking fund; and the monies so issued to be replaced out of the first supplies. The bank empowered to advance, on the said credit of loan, any sum not exceeding 1,000,000l.

C A P. LXV.

An act for settling and securing a certain annuity on the earl of Chatham, and the heirs of the body of the late William Pitt, earl of Chatham, to whom the earldom of Chatham shall descend, in consideration of the eminent services performed by the said late earl to his Majesty and the publick.

Most gracious Sovereign,

Preamble.

WHEREAS we, your Majesty's most dutiful and loyal commons, did unanimously address ourselves to your Majesty, humbly to beseech your Majesty that you would be graciously pleased to bestow some signal and lasting mark of your royal favour, on the family of the late William Pitt earl of Chatham, and to assure your Majesty, that whatever, from your princely goodness, your Majesty should think proper to be granted, this house, animated by the gratitude which they, in common with the rest of your Majesty's subjects, feel towards the memory of that upright and disinterested minister, and ambitious of giving a testimony of their approbation to that publick virtue and spirited conduct which directed the councils of this country in the last glorious and successful war, would, with the greatest cheerfulness, make good to your Majesty; to which address, your Majesty was pleased to return this most gracious answer; That your Majesty would take the same into your consideration, and that you would do therein what should appear to your Majesty to be most proper, agreeable to the desire of your faithful commons; and also, by your Majesty's most gracious message, to declare, that your Majesty being, desirous to comply, as speedily as possible, with the said request of your faithful commons, had given directions for the granting to the present earl of Chatham, and to the heirs of the body of the late William Pitt, to whom the earldom of Chatham shall descend, an annuity of four thousand pounds per annum, out of the civil list revenue; but that your Majesty, not having it in your power to extend the effects of the said grant beyond the term of your Majesty's life, recommended it to the house to consider of a proper method of extending, securing, and annexing the same to the earldom of Chatham, in such manner as should be thought most effectual for the benefit of the family of the said William Pitt earl of Chatham: we, your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, duly considering your Majesty's most gracious intention, do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That in lieu of the said annuity of four thousand pounds per annum, so directed to be granted to the present earl of Chatham, and to the heirs of the body of the late William Pitt, to whom the earldom of Chatham shall descend, as aforesaid, one annuity, or yearly rent or sum of four

An annuity of
4,000l. per
annum to be
paid, out of
the aggregate
fund, to John

thousand pounds of lawful money of *Great Britain*, shall be issuing and payable out of, and charged and chargeable upon, the duties and revenues which compose the fund commonly called *The Aggregate Fund*, and every or any of them, (after paying, or reserving sufficient to pay, all such sum and sums of money as have been directed by any former act or acts of parliament to be paid out of the same, but with preference to all other payments which shall or may hereafter be charged upon, or payable out of, the said aggregate fund); and the same shall from time to time be paid quarterly, in manner and form following; that is to say, To *John* now earl of *Chatham*, and to the heirs male of the body of the late *William Pitt* earl of *Chatham* begotten, to whom the said title, honour, and dignity of earl of *Chatham* shall descend; which said annuity or yearly rent or sum shall commence and take effect from the fifth day of *July*, in the year of our Lord one thousand seven hundred and seventy-eight, and shall be paid and payable at the four usual days of payment in the year, that is to say, the tenth day of *October*, the fifth day of *January*, the fifth day of *April*, and the fifth day of *July*, by even and equal portions; the first payment thereof to be made at the tenth day of *October*, in the year of our Lord one thousand seven hundred and seventy-eight.

earl of *Chatham*, and the heirs male of the late *William Pitt* earl of *Chatham*, to whom the said title shall descend.

The said annuity to be paid quarterly.

First payment on Oct. 10, 1778.

II. Provided always, and be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said *John* earl of *Chatham*, and the heirs male of the body of his father, the said late *William* earl of *Chatham*, for the time being, to whom the said annuity or yearly rent or sum shall descend, being at the age of twenty-one years, or above, by any deed or deeds in writing to assign, limit, or appoint, any part of the said annuity or yearly rent or sum, not exceeding the sum of one thousand pounds yearly, by way of jointure or provision for any woman or women which he or they respectively shall happen to marry or take to wife, for the life or lives of such wife or wives; but that the said annuity shall not be charged or chargeable with more than one such jointure at any one time.

The earl of *Chatham*, &c. empowered to charge the said annuity with a jointure of 1,000l. yearly.

III. And it is hereby further enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners of his Majesty's treasury now being, and the high treasurer and under-treasurer of the exchequer and commissioners of the treasury for the time being, and they are hereby authorised and required, by warrant under their hands, to direct the auditor of the receipt of the exchequer, now and for the time being, to make forth and pass debentures, from time to time, for paying the said annuity or yearly rent or sum of four thousand pounds, as the same shall, from time to time, become due and payable, without any fees or charges to be demanded or taken for paying the same, or any part thereof; which said warrant, and the debentures to be made forth and passed thereupon, shall be a sufficient authority to the several and respective officers of the receipt of the exchequer, now and for the time being, for the payment of the said annuity or yearly rent or sum to the said *John* earl

Commissioners of the treasury to sign warrants for payment of the said annuity quarterly, without any fees.

earl of *Chatham*, and the heirs male of the body of the said late *William* earl of *Chatham* begotten as aforesaid, or to such other person or persons as shall be intitled to receive any part of the said annuity as aforesaid, at the respective quarterly feast days in this act before appointed for payment thereof, without any further or other warrant, to be sued for, had, or obtained in that behalf.

Such warrants, after signed, to be valid, notwithstanding the demise of his Majesty, &c.

IV. And it is hereby further enacted by the authority aforesaid, That, after signing of such warrant, the same shall be good, valid, and effectual in law, according to the purport and true meaning thereof, and of this act; and shall not be determinable or revocable by or upon the demise of his Majesty, (whom God long preserve), or of any of his heirs or successors, or by or upon the death or removal of any of the said commissioners of the treasury, or the lord high treasurer, or by or upon the determination of the power, office, or offices, of them, or any of them.

Commissioners of the treasury, &c. without fee or reward, to do all things necessary to render this act effectual.

V. And be it further enacted by the authority aforesaid, That the commissioners of the treasury now being, and the high treasurer of the treasury for the time being, chancellor and under-treasurer, chamberlains and barons of the exchequer, and all other the officers and ministers of the court of exchequer, and of the receipt thereof, now and for the time being, shall, and they are hereby authorised and strictly enjoined and required to do, without fee or reward, all such acts, matters and things, as are herein-before directed and required, or shall be necessary to be done and performed by them, or any or either of them, in order to render this act, and the several payments hereby directed, effectual.

Receipt of the earl of *Chatham*, &c. shall be a sufficient discharge.

VI. And be it enacted by the authority aforesaid, That the acquittance or acquittances, receipt or receipts, of the said *John* earl of *Chatham*, and the heirs male of the body of the said late *William* earl of *Chatham*, and of such other person or persons as shall be entitled or authorised to receive the said annuity or yearly rent or sum, or any part thereof, shall be a good and sufficient discharge for the payment thereof, without any further or other warrant to be sued for or obtained in that behalf; and that the said annuity or yearly rent or sum, and every part thereof, shall be free and clear from all taxes, impositions, and other publick charges whatsoever: and in case any of the officers of the receipt of his Majesty's exchequer shall refuse or neglect to pay the said annuity or yearly rent or sum, or any part thereof, according to the true intent and meaning of this act, or to do any act necessary to enable the said *John* earl of *Chatham*, and the heirs male of the body of the said *William* late earl of *Chatham*, and such other person or persons as shall be intitled to receive the said annuity, or any part thereof, to receive the same, then the said *John* earl of *Chatham*, and the heirs male of the body of the said *William* late earl of *Chatham*, and such other person or persons as shall be intitled to receive the said annuity or yearly rent or sum, or any part thereof, may from time to time sue, prosecute, and implead, such officers, or any of them, their executors,

The annuity to be tax-free.

If officers of the exchequer shall refuse to pay the annuity on demand, &c. they may be prosecuted for the same.

and

and administrators, by bill, plaint, or action of debt, and shall or may recover judgements, and sue out executions thereupon, against such officers respectively, their heirs, executors, or administrators, for so much of such sum or sums of money then due and owing upon the said annuity, yearly rent, or sum, or any part thereof, as shall have been in the hands of the officer or officers of the receipt of the exchequer, at the time or times when demands shall have been legally made of the payment of the said annuity, yearly rent, or sum, or any part thereof, as aforesaid, or for the refusal or neglect to do any act necessary to be done by such officer or officers respectively.

VII. And be it further enacted by the authority aforesaid, That the said annuity, yearly rent, or sum of four thousand pounds, shall be, and the same is by this act vested in the said *John earl of Chatham*, and the heirs male of the body of the said late *William earl of Chatham*, to whom the said title, honour, and dignity of earl of *Chatham* shall descend; and that the same, or any part thereof, shall not at any time or times hereafter be aliened, conveyed, disposed, charged, or incumbered, by the said *John earl of Chatham*, or by any of the heirs male of the said late *William earl of Chatham*, for any greater or larger estate or time than during the natural life of the person so aliening, conveying, disposing, charging, or incumbering the same, or so as to prevent the same from descending to the heirs male in tail, according to the limitation aforesaid, other than, and according to, and in pursuance of, the power for making such jointures as aforesaid.

The annuity vested in *John earl of Chatham*, &c.

and not to be aliened or incumbered for any longer term than the life of the party;

except in making jointures.

VIII. And be it declared and enacted by the authority aforesaid, That this act shall be adjudged, deemed, and taken, in all cases, and in all courts and places, to be a publick act.

Publick act.

C A P. LXVI.

An act for making proper drains and sewers, for the purpose of carrying off the water from the prebendal estate of *Hilliwell* and *Finsbury*, in the suburbs of the city of *London*; and for other purposes therein mentioned.

Preamble. Recital of act 9 Geo. 3. and an indenture dated May 30, 1769. Mayor, &c. impowered to make a new sewer; and to appoint commissioners. Commissioners to consist of the commissioners under the act 11 Geo. 3. Mayor, &c. may appoint officers. Part of the new sewer to be under the management of the commissioners, &c. for *Holborn* and *Finsbury* divisions. Power for digging for materials, &c. Preamble, reciting that great benefits will accrue to certain parts of the county of *Middlesex*, from the new intended sewer: in consideration of which, the court of sewers for the said parts are to pay 150 l. per annum, into the chamber of *London*, by half yearly payments. Certain parts of the new sewer to be completed by June 24, 1779. The said yearly sum of 150 l. to be placed to the account of the commissioners under act 11 Geo. 3. In case of default of payment, how the same shall be recovered. Commissioners of sewers to make an equal pound rate for raising said 150 l. per annum, &c. within certain limits of the county of *Middlesex*, according to the yearly rent of the premises to be rated. In default of payment of said 150 l. per annum, mayor, &c. impowered to make a pound rate for the deficiency. All tenants, &c. to pay rates, whether rated or not. Directions for assessing

houses let out in lodgings, &c. Rates for houses, &c. untenanted, to be paid by owners, or future occupiers. Dead walls, meeting-houses, &c. to be assessed. Who shall pay such assessments. How they may be recovered. Rates shall be paid by owners of premises. This act not to impeach any agreement between landlord and tenant. Court of sewers empowered to compound for rates to be made by them, &c. Court of sewers may alter rates within certain limits. Collectors to be appointed by the court of sewers. Court of sewers empowered to pay debts. Common council, or commissioners, may appoint collectors, who are to pay the money into the chamber of London. Collectors refusing to account, shall be committed. Court of sewers may make additional allowance to their clerk, &c. Collectors, &c. may examine books relating to the poor's rates. Vestry clerk, &c. to give them copies thereof, on paying 2 d. for every 72 names, &c. Penalty on neglect or refusal for ten days. Court of sewers empowered to make new sewers, &c. within the limits of Finsbury, &c. The court of sewers may communicate the sewers within Finsbury, &c. with the new sewer in the prebendal estate, and the sewers in the city of London; but not to exceed in width or depth, the head of the sewer with which the same shall communicate, &c. The surveyor of the commissioners under the act of 11 Geo. 3. empowered to stop up such sewers, &c. so communicating. Penalty on persons unstopping such sewers, &c. Surveyor to inspect sewers, &c. Penalty on persons interrupting commissioners, workmen, &c. in executing this act. Penalties how to be disposed of. Preamble, reciting part of the act 11 Geo. 3. relating to the assessments. The commissioners under the act 11 Geo. 3. empowered to apply a competent part of the sewer rates directed to be raised by the same act, in aid of the other rates, &c. Court of sewers empowered to alter the position of pipes, &c. Owners of private drains to cleanse the same. Penalty on neglect thereof. Property of the sewers, &c. vested in the commissioners of sewers for Holbourn and Finsbury divisions. Vacant ground lying open, or roads out of repair, &c. to be inclosed and amended. If owners, &c. neglect, commissioners to complete the same, and to be reimbursed by the parties neglecting. This act to commence at the time of holding the next court of sewers for Holbourn and Finsbury divisions. Fines, forfeitures, and rates, how to be recovered and applied. Warrants to be issued by the court of sewers, to be according to the form annexed. Charges of distress to be levied by the persons making the same. Clerk, &c. to summon the court of sewers when necessary. Court of sewers, in the name of their clerk, &c. may bring actions for penalties against this act, or for the rates, &c. How plaintiff to proceed in such actions. Court of sewers may administer an oath, &c. Distress not to be deemed unlawful for want of form. Plaintiff not to recover if tender of amends be made. Proceedings not to be quashed for want of form. Orders of the court of sewers to be evidence. Laws relating to sewers to be in force in Holbourn and Finsbury divisions, &c. except in the cases before mentioned. Persons aggrieved may appeal to the quarter sessions. Limitation of actions. General issue. Treble costs. This act not to extend to sewers, &c. within the liberties of the tower hamlets, &c. Commissioners empowered to set up bars, posts, &c. for the safety of foot passengers. Property of bars, posts, &c. vested in the citizens of London. Penalty on persons obstructing surveyors, &c. in erecting fences, or for pulling up or damaging the same. Publick act. Form of warrant of distress for nonpayment of the rates. Form of warrant for want of distress of goods for nonpayment of rates. Form of warrant for want of distress for nonpayment of fines, &c. Form of warrant of distress for fines forfeited to, set, or imposed by, the court of sewers.

C A P. LXVII.

An act for authorising the justices of the peace for the county of Middlesex to sell the present session-house for the said county, and for enabling them to build another session-house in a more convenient situation, and to keep the same in repair; and for applying the sum of eleven thousand pounds (to be borrowed upon the credit of the surplusses of a certain fund, commonly called The Orphans' Fund) towards defraying the expense of building the said session-house.

Preamble.

Preamble. Letters patent of the 7 James 1. recited. Soon after the date date thereof, Hick's Hall was built, &c. The inheritance of the site of Hick's Hall in the Castles Rotulorum and others. The present session-house inconvenient and ruinous. Commissioners appointed; who are to take down the present session-house, and use or sell the materials. The site of the present session-house to be given to the publick. Commissioners for Saint Sepulchre's to pave the site of the present session-house, and adjoining watch house, &c. who shall be paid 300l. for the same, out of the monies arising by this act. Commissioners may purchase a piece of ground for building the session-house. Bodies corporate, &c. enabled to convey their estates to the commissioners. If the parties shall not agree, &c. the recompence to be ascertained by a jury. Jurymen to be sworn. Witnesses may be examined on oath. Verdict of a jury, &c. to be final. Recompence to be paid to parties within a month after adjudication. On refusal to accept thereof, the same to be paid into the bank. Jurors may be challenged. Commissioners may fine the sheriff or others making default. Commissioners may cause any building on such piece of ground as they shall purchase, to be taken down; and a new session-house to be erected; which shall not be assessed to any tax at a higher rate than what the ground and buildings were assessed in 1777. The session-house not to be begun till a plan and estimate are made and agreed to. Occupation of the session house to be regulated by the justices. New session-house to be repaired out of the county rate. No repairs above 5l. to be done until an estimate and contract made and agreed to. Justices may provide a convenient place for holding their sessions until the new session house be built. Damaging the new session-house deemed felony. Recital of act 5 & 6 Gul. & Mar. creating the orphans' fund; act 21 Geo. 2. continuing the duty on coals; act 7 Geo. 3. for completing Blackfriars bridge, &c. By the last-mentioned act, the corporation of London were empowered to borrow 156,000l. on the credit of the orphans' fund; and the duty of 6d. per chaldron on coals and culm was further continued for 46 year. Said fund computed to be more than sufficient for the purposes to which it is applied. City of London to pay an annuity of 495l. to the commissioners for executing this act. The mayor, &c. to grant 110 bonds for securing the annuity. An annuity of 4l. 10s. to be payable on each bond. Bonds to be numbered, and assignable by indorsement. Annuities to be redeemable by the city on six months notice. Orphans' fund charged with the annuities. Treasurer of the county to pay to the commissioners so much money as shall be necessary (besides the aforesaid 11,000l.) for executing the purposes of this act; so as the same shall not exceed 4000l. Expences of this act how to be paid. Commissioners may appoint officers, and allow them salaries. Place and time of meeting of the commissioners. Manner of adjourning. Proceedings to be entered in a book, &c. A yearly account of all monies received and paid, to be made by the treasurer, and deposited with the clerk of the peace; and also all books, plans, &c. Books, &c. may be inspected. Limitation of actions. General issue. Treble costs. Bonds, &c. directed by this act not liable to any duty. Publick act.

C A P. LXVIII.

An act for building a bridge across the river Tawey, at a place called The Wish Tree, in the parish of Llanfawlett, to the opposite shore in the parish of Llangevelach, in the county of Glamorgan; for making proper avenues or roads to and from the said bridge, and also for repairing and widening the road from Pentre-brook, near a place called Aberdwyberthy, in the parish of Saint John's, near Swansea, to the said intended bridge.

C A P. LXIX.

An act for repairing the highways and bridges in the county of Stirling.

C A P. LXX.

An act to enable Hector Munro Esquire, to build and maintain a harbour and pier at the town of Findhorn, in the county of Elgin and Forres.

C A P. LXXI.

An act for empowering the mayor, aldermen, and commons, of the city of London, in common council assembled, to make a street or opening from Moorfields, opposite Chiswell-street, towards the east into Bishopsgate-street; and also from the east end of Chiswell-street westward into Barbican; and to raise, upon the credit of the surplusses to arise out of a certain fund, commonly called The Orphans' Fund, the sum of sixteen thousand five hundred pounds for such purpose.

Preamble. Act 9 Geo. 3. recited. Common council empowered to make a new street from Moorfields to Bishopsgate-street, &c. which may be raised to any height they think proper. Ditches and watercourses to be arched over or filled up; and drains or sewers to be made, &c. Common council empowered to purchase houses, lands, &c. for the purposes aforesaid. The said power limited to ten years. Bodies politick, &c. trustees, and other persons, empowered to sell and convey lands, &c. when parties refuse to treat, &c. the mayor's court to issue a precept for impanelling a jury; who are to be drawn as act 3 Geo. 2. directs. Jurors may be challenged. Witnesses may be examined on oath, &c. Jury to assess the value on oath. Verdict of the jury, &c. to be final. Previous notice to be given to parties interested. Upon payment of the value assessed, premises to be conveyed to the city. When a good title cannot be made, or legal conveyances executed, or the parties are not to be found, &c. court to order the purchase money to be paid into the bank, &c. subject to the order of the court of chancery on motion or petition. Verdicts and judgements, &c. to be entered among the records, &c. Immediately after verdicts and payments, &c. premises to vest in the city. Mayor's court, on petition, may invest the money in the publick funds. If the money is not paid, &c. the said verdicts and judgements not to be binding. Purchase-moneys of premises held in trust, to be invested in other purchases to the same uses. Bargains and sales to have the force of fines and recoveries. Persons having any right, &c. in lands so purchased, to enter their claims within a limited time, or be barred: but may recover the purchase money, &c. from persons receiving the same. After purchase, tenants to deliver possession within six months after notice. On refusal, court to issue a precept to the sheriff to deliver possession. Mortgagees, on tender of principal and interest, to convey their mortgages: on refusal, interest to cease. Upon payment of such principal and interest into the bank, premises to vest in the city. Monies to be paid or tendered before using the premises. Court of aldermen may fine sheriff, jurors, or witnesses, for not attending, &c. No person shall be compellable to sell part of his premises, if he is willing to sell the whole. Common council empowered to let, sell, &c. any ground not necessary for the purposes of this act; and to grant licences for building on part of the streets, &c. No porticoes, benches, balconies, bow-windows, or other projections to be made. Monies arising by such sales or licences to be appropriated to the purposes of this act. Common council may inclose the passages, &c. which adjoin to the intended streets, for the purposes of this act. Tithes of houses laid into streets to be valued by a jury, and charged on the city estates. Common council empowered to appoint committees. Persons interested not eligible on such committees. Persons not free of the city may be employed by committees. Directions for giving notice of contracts. Recital of an act 5 & 6 Gul. & Mar. for raising the orphans' fund. A duty of 6d. per chaldron laid on all coals and culm brought into the port of London. Act 21 Geo. 2. continuing the said duty for 35 years, &c. Act 29 Geo. 2. for building Blackfriars bridge: act 7 Geo. 3. for completing the same, &c. On July 5, 1776, 38,500 l. wanted to complete Blackfriars bridge, &c. 7,500 l. for embanking the Thames; 30,000 l. for redeeming the tolls on London-bridge; 30,000 l. for building Newgate; and 10,000 l. for repairing the Royal Exchange. Recital of the powers granted to the corporation of London by the act of 7 Geo. 3. 156,000 l. to be borrowed at 3l. 10s. per cent. per ann.

The

The orphans' fund was charged with payment of monies thencefore borrowed, and also the said sum of 156,000l. and to render the said fund sufficient to pay off the said debts, the duty of 6d. per chaldron on coals and culm was further continued for 45 years, &c. The order in which the different payments were to be made out of the fund. How the surplusses were to be disposed of. Court of aldermen were to give six months notice of their intention to pay the respective sums borrowed, or to redeem the annuities, &c. In case of any deficiency in the said fund, the same to be supplied out of the chamber of London. Common council impowered to raise 16,500l. upon the orphans' fund. Contributors to be intitled to redeemable annuities at 4l 10s. per cent. per ann. Common council to give bonds for such annuities, assignable by indorsement. The orphans' fund charged with such annuities. Surplusses of the said fund how to be applied. Upon six months notice of redemption of annuities, and tender of the money, the annuities to cease; but the principal to be still payable. Deficiencies in payment of the said annuities, to be paid out of the chamber of London. The 16,500l. to be applicable only for the purposes of this act; and if any surplus, to be applied to increase the fund. Chamberlain to keep accounts of receipts and disbursements. Common council impowered to appoint officers, and allow them salaries. Officers concerned in the receipt of money, to give security. Penalty on officers misapplying any of the said monies. City answerable in case of any misapplication of the monies. Amerciaments, &c. against the city to be applicable to the uses of this act, &c. Disbursements of the 16,500l. to be included in the chamberlain's annual account. This act not to affect any of the city's present creditors. Writings to be without stamps. Penalties and forfeitures how to be recovered and applied. Expences of this act how to be paid. Distress not to be deemed unlawful for want of form. Proceedings not to be quashed for want of form, &c. Limitation of actions. General issue. Treble costs. Publick act.

C A P. LXXII.

An act for erecting a building for holding the courts and exercising the jurisdiction of the dean and chapter of the collegiate church of Saint Peter in Westminster, within the city and liberty of Westminster, and for holding the quarter sessions of the peace and transacting the other publick business of the said city and liberty; and for appropriating part of the surplusses of the orphans' fund, towards defraying the expence thereof.

Preamble. Commissioners appointed, who may purchase a piece of ground for erecting a court house. No more than 7,500l. to be expended therein. Bodies corporate, &c. impowered to sell and convey lands. The purchase money for lands in settlement, to be laid out in purchase of other, to the same uses. Commissioners impowered to build the court-house. Court-house not to be taxed higher than the premises purchased were taxed. Commissioners not to purchase any ground till valued by a surveyor. Commissioners not to begin building the court-house, until they have approved of a plan and agreed to an estimate thereof, and contracted for building thereon. The expence of repairing the court-house to be defrayed out of the county rates. By whole order the court-house shall be repaired. Recital of act 5 & 6 Gul. & Mar. for establishing the orphans' fund; and 21 Geo. 2. and 7 Geo. 3. for augmenting the same. City of London to pay an annuity of 247l. 10s. to the commissioners, by half-yearly payments. The mayor, &c. to grant 35 bonds for securing the annuity. The bonds to be numbered, and may be sold. Annuities to be redeemable by the city on six months notice. The orphans' fund charged with the payment of the annuities. The justices to pay to the commissioners (out of the county rates) such further sums as shall be necessary, not exceeding 2000l. Expences of this act how to be paid. Commissioners may appoint officers, and allow them salaries. Place and time of first meeting. Fifteen commissioners may appoint an extraordinary meeting. Proceedings to be entered in a book. A yearly account of all monies received

ceived and paid to be made by the treasurer, and deposited with the clerk of the peace. Persons may inspect the books, &c. When the court-house is built, &c. the authority of the commissioners to cease, and court-house vested in the dean of Westminster, &c. Saving the rights of the justices for Middlesex to hold their meetings in Westminster. Writings to be without stamps. Limitation of actions. General issue. Treble costs. Publick act.

C A P. LXXIII.

An act for paving the high street or road leading from Aldersgate-bars, in the parish of Saint Botolph without Aldersgate, London, to the turnpike near the end of Goswell-street, in the county of Middlesex; and for applying the sum of five thousand pounds, to be raised upon the credit of the surplusses to arise out of a certain fund commonly called The Orphans' Fund, for such purpose.

Preamble. Recital of act 5 & 6 Gul. & Mar. for establishing the orphans' fund. A duty of 6 d. per chaldron laid on all coals or culm brought into the port of London. Act 21 Geo. 2. by which the said duty was further continued for 35 years. Act 29 Geo. 2. for building Blackfriars bridge. Act 7 Geo. 3. for completing the said bridge, &c. On July 5, 1766, 58,500l. wanted to complete Blackfriars bridge, &c. 7,500l. for embanking the Thames: 30,000l. for redeeming the tolls on London bridge: 50,000l. for building Newgate: and 10,000l. for repairing the Royal Exchange. Common council were impowered to borrow 156,000l. at 3l. 10s. per cent. per ann. for the purposes before mentioned. The orphans' fund charged with the payment of monies thenceforth borrowed, and also the said sum of 156,000l. and to render the said fund sufficient to pay off the said debts, the duty of 6 d. per chaldron on coals and culm was further continued for 46 years, &c. The order in which the different payments were to be made out of the fund. How the surplusses were to be disposed of. Court of aldermen were to give six months notice of their intention to pay the respective sums borrowed, or to redeem the annuities, &c. In case of any deficiency in the said fund, the same to be supplied out of the chamber of London. Common council impowered to pave the high street from Aldersgate-bars to the turnpike, and to appoint commissioners. Commissioners to consist of commissioners under the act of 11 Geo. 3. for paving the city, &c. Proceedings to be entered in a book. Common council may order materials to be dug, &c. and posts, bars, &c. to be removed; and may employ and contract with any persons for the performance of the works. Directions for giving notice of making contracts. Common council or commissioners may compound with persons for breach of contract. Penalty on interrupting workmen. The property of the pavements, &c. vested in the citizens of London. Penalty on persons damaging the pavements, &c. Common council impowered to sell old pavements. Common council impowered to raise 5,000l. upon the orphans' fund. Contributors to be intitled to redeemable annuities at 4l. 10s. per cent. per ann. Common council to give bonds for such annuities, assignable by indorsement. Orphans' fund charged with the said annuities. Surplusses of the said fund how to be applied. Upon six months notice of redemption of annuities, and tender of the money, the annuities to cease; but the principal to be still payable. In case of deficiency in the said surplusses, the same to be made good out of the chamber of London. The 5,000l. to be applicable only for the purposes of this act; and if any surplus, to be applied to increase the fund. Chamberlain to keep accounts of receipts and disbursements. Common council to appoint officers, and allow them salaries. Officers concerned in the receipt of money to give security. Penalty on officers misapplying any of the said monies. Penalty on officers taking fees. City answerable in case of any misapplication of the money. Amerciaments, &c. against the city to be applicable to the uses of this act. Disbursements of the 5,000l. to be included in the chamberlain's annual account. This act not to affect any of the city's present

present creditors. Writings not liable to stamp-duty. Justices to determine complaints in a summary way in cases where no particular mode of recovering is directed. Penalties may be levied by distress. Commissioners may compound for penalties not exceeding 5*l*. Penalty on witnesses refusing to attend, &c. Saving rights of the commissioners of sewers. Application of penalties and forfeitures. Expences of this act how to be paid. Distress not deemed to be unlawful for want of form, &c. Plaintiff not to recover if tender of amends be made. Proceedings not to be quashed for want of form. Limitation of actions. General issue. Treble costs. Publick act.

C A P. LXXIV.

An act to amend an act, passed in the twenty-sixth year of King George the Second, more effectually to enable the parishioners of the parish of Christchurch, in the county of Middlesex, to purchase, hire, or erect a workhouse, for the employing and maintaining the poor of the said parish, and for the more effectual support and employment of the poor therein.

C A P. LXXV.

An act for making a navigable canal from the town of Basingstoke, in the county of Southampton, to communicate with the river Wey, in the parish of Chertsey, in the county of Surrey; and to the south-east side of the turnpike road in the parish of Turgis, in the said county of Southampton.

C A P. LXXVI.

An act for better paving, cleansing, lighting, and watching, the streets and lanes in the town of Dover, in the county of Kent, and in the several parishes of St. Mary the Virgin and St. James the Apostle in the said town and county; and for removing and preventing nuisances and annoyances therein.

C A P. LXXVII.

An act for paving and repairing the streets, lanes, and other publick passages and places, within such part of the liberty of Norton Folgate, in the county of Middlesex, as is extra-parochial; and certain parts of Magpie-alley, and Blossom-street, in the parish of Saint Leonard Shoreditch, in the said county; and for removing obstructions and annoyances therein.

C A P. LXXVIII.

An act for applying the sum of nine thousand pounds, to arise out of the surplusses of a certain fund, commonly called The Orphans' Fund, for the purpose of making a passage for carriages from Spitalfields to Bishopsgate-street, in the county of Middlesex.

Preamble. Act 5 & 6 Gul. & Mar. recited. City of London to pay an annuity of 40*l*. to the commissioners; and for that purpose to issue bonds under their common seal. Value and condition of the bonds. Bonds to be numbered, and may be sold. Application of the money arising from sale thereof. Annuities to be redeemable by the city on six months notice. The orphans' fund charged with the payment of the annuities. Persons advancing money to pay expences of this act, to be allowed interest for the same. Publick act.

C A P. LXXIX.

An act for paving, cleansing, lighting, and watching the town of Northampton; and for removing and preventing incroachments, obstructions, and annoyances therein.

C A P. LXXX.

An act for widening and improving a certain avenue called Dirty-lane, and part of Brick-lane, leading from Whitechapel to Spital-fields, in the county of Middlesex; and for paving Dirty-lane, and also the east side of Petticoat-lane, from Whitechapel High-street to Wentworth-street; the said avenue called Wentworth-street; from thence in one continued line, through Old Montague-street, Chapel-street, and Princes-row, to Baker's-row inclusive, and the several streets and passages leading into the same; and for removing all obstructions and encroachments therefrom, and preventing the like for the future.

C A P. LXXXI.

An act for continuing the terms and enlarging the powers of two acts, one passed in the seventh and the other in the eighth years of his present Majesty's reign, for repairing and widening the roads from Oxford over Botley-causeway, to Fifeild, in the county of Berks, and Witney, in the county of Oxford.

C A P. LXXXII.

An act to enlarge the term and powers of several acts passed in the sixth and twelfth years of King George the First, the twenty-eighth year of his late Majesty, and the ninth year of his present Majesty, for repairing the roads from Stevenage, in the county of Hertford, to Biggleswade, in the county of Bedford, and other roads therein mentioned.

C A P. LXXXIII.

An act to enlarge the term and powers of an act, made in the twenty-fifth year of the reign of his late majesty King George the Second, for repairing the road leading from Long Horsley bar or gate, on the post road near the town of Morpeth, by or through Long Horsley, Weldon-bridge, and Whittingham, to the river Breamish, and from thence to Percy's Cross, in the county of Northumberland.

C A P. LXXXIV.

An act to enlarge the term and powers of several acts for repairing the road from Highgate Gatehouse, in the county of Middlesex, to Barnet Blockhouse, in the county of Hertford; and the road from the Bear-inn in Hadley to the Angel in Enfield-chace; and also Canewood-lane leading from Highgate to Hampstead, in the said county of Middlesex; and the road beginning at Barnet Blockhouse and ending at the Bear-inn in Hadley aforesaid.

C A P. LXXXV.

An act for continuing the term, and altering and enlarging the powers, of an act, made in the thirty-second year of the reign of his late majesty King George the Second, for repairing the road from Wakefield to Austerlands, in the west riding in the county of York.

C A P. LXXXVI.

An act to enlarge the term and powers of an act, passed in the thirty-third year of King George the Second, for repairing and widening the road from the bars at Boughton, within the liberties of the city of Chester, to Whitechurch, and from thence to Newport, in the county of Salop, and other roads in the said act mentioned; and for making a road of communication from the said road between Whitechurch and Newport, to the present turnpike road from Newport aforesaid to Eccleshall, in the county of Stafford.

C A P. LXXXVII.

An act to enlarge the term of an act passed in the thirtieth year of his late majesty King George the Second, for repairing and widening the road from Towcester, through Silverston and Brackley, in the county of Northampton, and Ardley, and Middleton Stoney, to Weston-gate, in the parish of Weston on the Green, in the county of Oxford.

C A P. LXXXVIII.

An act for repairing and widening the road from the Birches Brook to Buildwas-bridge, and from thence to join the Watling-street turnpike road at Tern-bridge, in the county of Salop.

C A P. LXXXIX.

An act for enlarging the term and powers of an act, made in the twenty-ninth year of the reign of his late majesty King George the Second, for amending, widening, and keeping in repair, several roads leading from the market-house in the town of Much Wenlock, in the county of Salop, and for amending, widening, and keeping in repair, the road leading from Gleeton-hill to Cressage, in the said county.

C A P. XC.

An act to enlarge the term and powers of three acts, of the third and seventeenth years of the reign of King George the Second, and the tenth year of the reign of his present Majesty, for repairing the road leading from Galley-corner, adjoining to Enfield-chace, in the parish of South Mims, in the county of Middlesex, to Lemsford-mill, in the county of Hertford.

C A P. XCI.

An act for repairing and widening the road from Stoken-church, in the county of Oxford, to Wheatley-bridge, and from the said bridge to Enslow-bridge, and from Wheatley-bridge to the mileway leading towards Magdalen-bridge; and from the mileway leading from Saint Giles's Church, near the city of Oxford, by Begbroke, to New Woodstock, in the said county.

C A P. XCII.

An act for continuing the term and altering and enlarging the powers of an act, made in the twenty-sixth year of the reign of his late Majesty, for widening and repairing the high road leading from Northal-

Anno decimo octavo GEORGII III. c. 93-96. [1778.

Northallerton to the south wall of the church-yard of the town of Thirsk, and from the south-east end of the street called Finkell-street, in Thirsk aforesaid, to and through the town of Easingwold, in the county of York, to a place called Burton-stone, near the city of York; and also the road from Thirsk aforesaid to Topcliffe, in the north riding of the county of York.

C A P. XCIII.

An act for repealing certain parts of three several acts of parliament, of the first, the seventeenth, and the thirtieth years of the reign of his late majesty King George the Second, made for repairing several roads leading to and from the borough of Evesham, in the county of Worcester; and for repairing and widening the road in Evesham-bridge, in the said borough, to the Globe Inn in

C A P. XCIV.

An act for enlarging the term and powers of an act, made in the thirtieth year of the reign of his late majesty King George the Second, for amending, widening, and keeping in repair, the roads from the east end of the town of Hertford, in the county of Hertford, through Watton, to Broadwater, and from the town of Ware, through Watton, to the north end of the town of Walkern, in the said county.

C A P. XCV.

An act for amending, widening, turning, altering, and keeping in repair, the roads from Whistle-bridge, in the parish of Barwick, in the county of Somerset, to the turnpike road in the parish of Charminster, in the county of Dorset; and from the cross in the town of Maiden Newton, to a stream of water in the parish of South Perrott, in the county of Dorset; and from a place called Furze-moor Gate, in the parish of Broadwinfor, to Lenham's Water, in the parish of Beamister; and from Bugler's corner in town of Beamister, to the Dorsetshire Inn, in the parish of Woolcombe; and from Upsydling Ewe Leaze, to the town of Cerne Abbas; and from the town of Frampton, to join the western turnpike road near Steepleton, in the said county of Dorset.

C A P. XCVI.

An act for continuing the term and altering and enlarging the powers of an act, made in the thirty-second year of the reign of his late majesty King George the Second, for repairing and widening the road leading from the east side of Barnsley common, in the county of York, to the middle of Grange Moor, and from thence to White Cross; and also the road from the guide-post in Barugh to a rivulet called Barugh Brook, and from thence for two hundred yards over and beyond the same rivulet or brook into the township of Cawthorne, in the said county.

C A P. XCVII.

An act for more effectually amending, widening, and keeping in repair, several roads leading from the town of Taunton, in the county of Somerset; and for repealing two acts, one of the twenty-fifth year of his late Majesty, and the other of the fifth year of his present Majesty, relating to the said roads; and for amending, widening, and keeping in repair, several other roads adjoining thereto.

C A P. XCVIII.

An act for repairing and widening the road from the city of Gloucester to the town of Stroud, in the county of Gloucester.

C A P. XCIX.

An act for enlarging the term and powers of an act, made in the twenty-ninth year of the reign of his late majesty King George the Second, for amending and keeping in repair the roads leading from a place called Fryer Bacon's Study to Chilton Pond; and from the top of Hinksey-hill to Foxcombe-hill Gate in the road leading to Farringdon, in the county of Berks.

C A P. C.

An act for continuing the term and altering and enlarging the powers of an act, made in the twenty-sixth year of the reign of his late Majesty, for repairing, amending, and widening, the several roads leading from the Red Post, in the parish of Fivehead, through the towns of Langport and Somerton, to Butwell; and also from Curry Rivell to Puckington Lane, and from Cary-bridge to Street Cross, in the county of Somerset; and for amending, widening, and keeping in repair, several other roads adjoining thereto.

C A P. CI.

An act for continuing the term and altering and enlarging the powers of an act, made in the twenty-sixth year of the reign of his late majesty, for repairing and widening the roads therein mentioned, leading to and from the towns of Shepton Mallet and Iwelcheester, in the county of Somerset, so far as the same relates to the roads therein called The Iwelcheester Turnpike Roads.

C A P. CII.

An act to enlarge the term and powers of an act, passed in the twenty-ninth year of the reign of King George the Second, for repairing and widening the roads leading from the city of Gloucester, towards Cheltenham and Tewkesbury, in the county of Gloucester.

C A P. CIII.

An act for repairing and widening the road from Chippenham-bridge, in the county of Wilts, to the top of Togg-hill, in the county of Gloucester; and from the stone pillar to the top of Old Sodbury Hill, in the said county of Gloucester.

C A P.

C A P. CIV.

An act for enlarging the term and powers of an act, made in the thirty-first year of the reign of his late majesty King George the Second, intituled, An act for repairing and widening the roads from Donnington High-bridge to Hale Drove, and to the eighth mile-stone, in the parish of Wig-toft, and to Langret Ferry, in the county of Lincoln.

C A P. CV.

An act for enlarging the term and powers of an act, made in the thirty-first year of the reign of his late Majesty, for repairing the roads from Leeds to Sheffield, in the county of York, so far as the same relates to the road from Wakefield to Sheffield; and also one other act, made in the first year of the reign of his present Majesty, for amending and rendering more effectual the said act.

C A P. CVI.

An act to enlarge the term and powers of several acts, passed in the fourth year of King George the First, and the ninth and thirtieth years of King George the Second, for repairing the highways from Crown Corner, in the town of Reading, leading by and through the several parishes of Shinfield and Heckfield, in the several counties of Berks, Wilts, and Southampton, to Basingstoke, in the said county of Southampton.

C A P. CVII.

An act to enlarge the term and powers of an act, passed in the twenty-fifth year of the reign of his late majesty King George the Second, for repairing the road leading from the town of Morpeth, by or through Milsford, Thropple, Long-witton, and by the north side of Rotbley Park Wall, to Sting Cross, and to the High Cross in Elsdon, in the county of Northumberland.

C A P. CVIII.

An act for continuing and amending an act, made in the twenty-sixth year of the reign of his late Majesty, for repairing the road leading from the town of Penrith, in the county of Cumberland, by Hutton Hall, over Skelton and Castle Sowerby Pastures, and Sebraham-bridge, to Chalk Beck, in the said county; and also the road which branches and separates from the same road, upon Castle Sowerby Pasture aforesaid, and leads from thence through Hesket, otherwise Hesket-newmarket, to Caldbeck, in the said county.

C A P. CIX.

An act to empower the trustees for amending the road from Uttoxeter to Newcastle-under-lyme, in the county of Stafford, to repair and widen the road branching out of the said road at Lower-lane, to the turnpike road on Hem-heath, in the same county.

C A P. CX.

An act for enlarging the term and powers of an act, passed in the thirtieth year of the reign of his majesty King George the Second, for repairing and widening the road from the north end of Dapdon-wharf, in the parish of Stoke, next Guldeford, through Guldeford to Andrew's Cross, and to Alfold-bars, in the county of Surrey, and from thence to Saint Mary's Gate, in Arundel, in the county of Sussex.

C A P. CXI.

An act for continuing the term of an act, made in the twenty-ninth year of his late Majesty, intituled, An act for amending, repairing, and widening, the roads leading from the Rye-way, in the parish of Yarpole, in the county of Hereford, to Presteigne, in the county of Radnor, and from thence to Leintwardine; and from Presteigne aforesaid, to the top of Trap-hill; and from the Rye way aforesaid, by the Maidenhead, to Wooferton, in the county of Salop; and for amending, widening, and keeping in repair several other roads, branching out of the roads comprised in the said act.

C A P. CXII.

An act for more effectually amending, widening, and keeping in repair, the roads leading from the town of Northampton to Chain-bridge, near the town of Market Harborough, and from the direction post in Kingsthorpe, in the county of Northampton, to Welford bridge, in the said county; and for repealing several acts, made in the eighth year of King George the First, and the twelfth and twenty-third years of his late Majesty, relating to the said roads.

C A P. CXIII.

An act for continuing the term and altering and enlarging the powers of an act made in the twenty-sixth year of the reign of his late majesty King George the Second, intituled, An act for repairing, amending, and widening the road from Keighlye, in the west riding of the county of York, to Kirkby in Kendal, in the county of Westmoreland.

C A P. CXIV.

An act for repairing and widening the road from Tetbury, in the county of Gloucester, to and through Malmesbury, to Chippenham-bridge, in the county of Wilts; and from Malmesbury to the turnpike road at or near Jackament's Bottom, in the said county of Gloucester; and also the road from Farrington to Cricklade, from thence to Malmesbury, and to the turnpike road at Acton Turville; and also from Sherstone to the turnpike road leading from Tetbury to Bath.

C A P. CXV.

An act for repealing an act, made in the twenty-fifth year of the reign of his late majesty King George the Second, for repairing and widening the road leading from a part of the road (directed to be repaired by an act passed in the last session of parliament, from Carlisle to Newcastle upon Tyne) near Glenwhelt, to another part of the road (so making from Carlisle to Newcastle) upon Shildon Common, in the county of Northumberland; and for making more effectual provision for the repair of the said road.

C A P. CXVI.

An act for altering, repairing, and widening, the road from Summer Rods Bar, near the town of Hexham, in the county of Northumberland, to the town of Alston, in the county of Cumberland.

END OF PART I. VOL. XXXII.

THE

STATUTES at Large, &c.

Anno regni GEORGII III. Regis, Magnæ Britanniae, Franciæ, & Hiberniæ, decimo Nono.

AT the parliament begun and holden at Westminster, the twenty-ninth day of November, Anno Domini 1774, in the fifteenth year of the reign of our sovereign lord GEORGE the Third, by the grace of God, of Great Britain, France, and Ireland, King, defender of the faith, &c. And from thence continued by several prorogations, to the twenty-sixth day of November, 1778; being the fifth session of the fourteenth parliament of Great Britain.

C A P. I.

An act for further continuing an act, made in the seventeenth year of the reign of his present Majesty, intituled, An act to empower his Majesty to secure and detain persons charged with, or suspected of, the crime of high treason, committed in any of his Majesty's colonies or plantations in America, or on the high seas, or the crime of piracy.

WHEREAS an act was made in the seventeenth year of the reign of his present Majesty, (intituled, An act to empower his Majesty to secure and detain persons charged with, or suspected of, the crime of high treason, committed in any of his Majesty's colonies or plantations in America, or on the high seas, or the crime of piracy;) which was to continue and be in force until the first day of January, one thousand seven hundred and seventy eight, and no longer: and whereas an act was made in the last sessions of parliament for continuing the said act until the first day of January, one thousand seven hundred and seventy-nine, and no longer:

and further
continued till
Jan. 1, 1780.

and whereas it is expedient that the said first-mentioned act should be continued for a further term; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the said first-mentioned act, and all and every the clauses, provisoes, powers, and qualifications therein contained, shall be, and the same are hereby further continued until the first day of January, one thousand seven hundred and eighty, and no longer.

C A P. II.

An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and seventy-nine. *At four shillings in the pound.*

C A P. III.

An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and seventy-nine.

C A P. IV.

An act for granting further time for allowing the drawback upon the exportation of certain muslins, callicoes, and coffee.

Preamble.

WHEREAS there are great quantities of muslins and white callicoes still remaining in the kingdom, which were imported by the united company of merchants of England trading to the East Indies, which, by reason of the interruption given to trade by the rebellion and disturbances subsisting in several of the British colonies in North America, the proprietors of such goods have not been, and may not be able to export within the term of three years from the importation thereof, being the time limited by law to intitle them to receive the drawback of the duties thereon; and it is reasonable and necessary that some further time should be granted for the exportation of such goods; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, for all muslins and white callicoes which were imported by the said united company into this kingdom, in the years one thousand seven hundred and seventy-three, one thousand seven hundred and seventy four, and one thousand seven hundred and seventy-five, and which shall be exported from hence before the thirtieth day of *December*, one thousand seven hundred and eighty; and for all muslins and white callicoes imported into this kingdom by the said united company, in the years one thousand seven hundred and seventy-six, and one thousand seven hundred and seventy-seven, and which shall be exported from hence before the thirtieth day of *December*, one thousand seven hundred and eighty-one; and for all muslins and white callicoes which have been exported from this kingdom, and which were returned

The term limited by law for paying the drawback on the exportation of muslins and white callicoes, extended.

here

here for want of a market abroad, on or before the thirtieth day of *December*, one thousand seven hundred and seventy five, and which shall be re-exported again from hence before the thirtieth day of *December*, one thousand seven hundred and eighty, whether such muslins or callicoes shall have been printed, painted, stained or dyed, in this kingdom, or not, the exporter or exporters of such goods shall be allowed and paid the same drawbacks, under the like rules, regulations, securities, penalties, and forfeitures, as such exporter or exporters would be intitled and liable to, in case such goods had been exported within the term of three years from the importation or return thereof; any law, custom, or usage, to the contrary notwithstanding.

II. *And whereas by an act, made in the sixteenth year of the reign of his present Majesty, (intituled, An act for granting further time for allowing the drawback upon the exportation of muslins and callicoes imported by the East India company in the years one thousand seven hundred and seventy-three, and one thousand seven hundred and seventy-four; for allowing further time to the said company to expose to sale such bohea and singlo teas and coffee as remained unsold on the fifth day of April, one thousand seven hundred and seventy-six; and also such bohea teas as shall be imported on or before a certain time; and for allowing the drawbacks on the exportation of such teas and coffee; and for granting further time for allowing the drawback on the exportation of coffee imported in the ship Shrewsbury, in the year one thousand seven hundred and seventy-three,) it was, amongst other things, enacted, that, for and during the term of five years, to be computed from the time of importation, there should be drawn back and allowed, for all coffee which should be exported from this kingdom as merchandize to Ireland, or any of the British colonies or plantations in America, to the exporter or exporters thereof, such and the same drawbacks or allowances, and under such rules, regulations, securities, penalties, and forfeitures, as such exporter or exporters would have been intitled to in case such coffee had been exported within the term of three years from the times of the importation thereof: and whereas very small quantities of coffee are exported from this kingdom to Ireland or the plantations, the principal and chief of such exportations being to Germany, and other parts of Europe; and it is expedient that the said in part recited act should extend to other foreign parts; be it therefore enacted by the authority aforesaid, that the said in part recited act shall extend, and be construed to extend, to allow the like drawback for any coffee which have been exported from this kingdom to any foreign parts, since the fifth day of April, one thousand seven hundred and seventy-six, and which then remained in the said company's warehouses unsold, or which shall be hereafter so exported to any foreign parts within the term of five years from the importation thereof, under the same rules and regulations, securities penalties, and forfeitures, as the former drawback was allowed; any thing in the said recited act, or any other act, to the contrary notwithstanding.*

16 Geo. III.
cap 51, recited.

Part of the said act, relating to the drawback on the exportation of coffee to Ireland or America, extended to other foreign Parts.

C A P. V.

An act for granting relief to the captors of prizes, with respect to bringing and landing certain French prizes in this kingdom.

Preamble:
recuing his
Majesty's or-
der in council
of July 29,
1778

WHEREAS his Majesty, by order in council, dated the twenty-ninth day of July, one thousand seven hundred and seventy-eight, was pleased to order that general reprisals be granted against the ships, goods, and subjects, of the French king, and that as well all his Majesty's fleets and ships, as also all other ships and vessels that shall be commissioned, by letters of marque or general reprisals or otherwise, by the commissioners for executing the office of lord high admiral of Great Britain, shall and may lawfully seize all ships, vessels, and goods belonging to the French king or his subjects, or others inhabiting within any of the territories of the French king, and bring the same to judgement in any of his Majesty's court of admiralty within his Majesty's dominions: and whereas it is expedient that the several provisions of an act made in the last session of parliament, (intituled, *An act for the relief of the captors of prizes, with respect to the bringing and landing certain prize goods in this kingdom*) should be extended in like manner to all prize goods which have been, or may be, taken from the French, in pursuance of his Majesty's said order in council; may it therefore please your Majesty that it may be enacted; and be it enacted by the king's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said recited act, made in the last session of parliament, and all the articles, clauses, and provisions therein, shall extend, and be construed to extend, to all prize goods which have been taken from the French since the twenty-ninth day of July, one thousand seven hundred and seventy eight, or which shall hereafter be taken, during the continuance of the present hostilities with France, by any of his Majesty's ships or vessels of war, or by any private or other ship or vessel having commission or other authority from the lord high admiral of Great Britain, or the commissioners for executing the office of lord high admiral of Great Britain, for the time being, for that purpose.

18 Geo. III.
cap. 15, ex-
tended to
prizes taken
from the
French since
July 29, 1778,
&c.

Such prizes
after con-
demnation,
to be subj-
ct to the same
duties, etc.
as other
prizes.

II. And be it further enacted by the authority aforesaid, That all ships or vessels which shall have been, or which shall be so taken as aforesaid, shall, upon condemnation as lawful prize, be subject and liable to the same duties, customs, restrictions, and regulations, and shall be intitled to the same privileges and advantages in all respects, to which ships and vessels taken and condemned as prize are subject and liable to, and intitled to, by any law or statute of this realm.

Prize Goods
brought into
Ireland to be
subject to the
same customs,
&c. as if im-

III. Provided always, That nothing contained in this act, or in any other act or acts of parliament made in this kingdom, shall extend, or be construed to extend, to exempt any ships, goods, wares, or merchandizes, which shall be taken as prizes and brought into the kingdom of Ireland, from the payment of any customs

customs or duties, or from being subject to such restrictions and regulations to which the same now are or may be liable, by virtue of any law or statute made in that kingdom, in case the same had been imported there as merchandise in the ordinary course of the trade, and not brought in as prize.

IV. And it is hereby further enacted by the authority aforesaid, That if any tea, or other *East India* goods, which are or may be liable to any duties *ad valorem*, which shall be taken and condemned as prize, shall be exported from this kingdom to *Ireland*, the certificates, cocquets and other documents, shall express the price or value at which such goods were sold by the captors or their agents upon condemnation; and such cocquets and other documents shall have the same force and effect, to all intents and purposes whatsoever, upon the importation of such goods into *Ireland*, as if the said goods had been imported by, and sold at, the sales of the united company of merchants of *England* trading to the *East Indies*.

ported there as merchandise.

Directions relating to *East-India* goods which shall be taken as prize and exported to *Ireland*.

C A P. VI.

An act to authorize the lord high admiral, or the commissioners for executing the office of lord high admiral, for the time being, to order any court martial, which may be appointed on the charge of vice admiral sir Hugh Palliser against the honourable admiral Augustus Keppel, to be holden on shore.

WHEREAS by the laws now in being courts-martial for the trial of officers, mariners, soldiers, and other persons in or belonging to his Majesty's fleet, are to be holden on ship-board, and no member of such courts-martial after the trial is begun can go on shore until sentence be given, but is to remain on board the ship in which the said court first assembles, except in case of sickness: and whereas the commissioners for executing the office of lord high admiral have intimated an intention to order a court-martial, on a charge exhibited by vice admiral sir Hugh Palliser against the honourable Augustus Keppel, admiral and commander in chief of a fleet of his Majesty's ships of war, for the trial of the said admiral on that charge: and whereas, by reason of his infirm state of health, the necessary attendance of the said admiral on such court-martial may greatly endanger his life; may it therefore please your Majesty that it may be enacted; and be it enacted by the king's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful for the lord high admiral, or the commissioners for executing the office of lord high admiral of *Great Britain*, for the time being, to order that, after such court-martial shall have been duly assembled and constituted, and the members thereof, and the judge advocate duly sworn, according to the laws now in being, the said court shall be adjourned to, and holden in, such convenient place on shore, as to the said lord high admiral, or the said commissioners for executing the office of lord high admiral,

Preamble.

After the court-martial for the trial of admiral Keppel shall have been constituted and sworn, it shall adjourn to such convenient place on shore as shall be appointed by the commissioners of the admiralty.

shall seem necessary or expedient; and such court-martial is and shall hereby be authorized and required to adjourn to such place accordingly, any law, statute, or usage, to the contrary notwithstanding.

No member of the court-martial to depart from the house in which it shall be held during the trial, except in case of sickness.

II. Provided always, and be it further enacted, that, after such adjournment shall have taken place, no member of such court-martial shall separate and depart from the house in which such court-martial shall be directed to be held until the trial is ended, except in case of sickness, to be judged of by the said court, upon pain of being cashiered from his Majesty's service; and that the said court-martial shall be holden and proceed in all other respects in the same manner and form as if the same should continue on board the ship in which it is originally to be assembled.

C A P. VII.

An act for making the church or chapel erected by Charles Roe Esquire, in the town of Macclesfield, in the county palatine of Chester, a perpetual cure and benefice, and for endowing the same, and vesting the right of nomination or presentation thereof in the said Charles Roe, his heirs and assigns; and for other purposes.

Preamble; reciting that Charles Roe esquire hath built a church in Macclesfield, and inclosed a burying ground for the same, &c. Church or Chapel to be consecrated, &c. and made a perpetual cure. Right of presentation vested in Mr. Roe, &c. Minister incorporated, and the Church or Chapel vested in him. Church or Chapel to be subject to the jurisdiction of the bishop of Chester. Not to be deemed a new parish, nor to affect any assessments. Duty of the minister or curate. Minister absenting, or neglecting his duty, cure to be deemed vacant, and filled up by Mr. Roe, &c. If vacancy not filled up in a certain time by Mr. Roe, &c. the right of nomination to lapse in the usual order. No marriages or burying places in the new church. Christenings and burials to be registered in the old chapel. Double fees for churchings and burials; one half of which to be accounted for to the Minister, &c. of the old chapel. How to be recovered. Rates for burial in the new buryingground. Church or chapel wardens to be appointed by Mr. Roe, his heirs, &c. Clerk, organist, &c. to be appointed by Mr. Roe, &c. Rents of seats to the amount of 180l. per Ann. vested in the church or chapel wardens; the rest may be let or sold by Mr. Roe, &c. Seats for the rector and wardens to be reserved. Rents of pews to be entered in a book. Rents of seats to be paid half-yearly: on failure thereof, how to be recovered. Wardens to pay salaries to minister, &c. to provide books, bread and wine, &c. for the sacrament, and to repair the Church. If salaries are not paid within 30 days after due, how they may be recovered. Not more than half a year's arrears to be recovered from succeeding wardens. Wardens to keep an account of receipts and disbursements; and to account and pay the surplus money to Mr. Roe, &c. Mr. Roe to pay 200l. for the augmentation of the chapels of Rainow and Saltersford: on failure thereof, this act to be void. Rights of the vicarage of Prestbury not to be prejudiced. General saving of rights. Publick act.

C A P. VIII.

An act for the regulation of his Majesty's marine forces while on shore.

Preamble. After 25 March, 1779, during the continuance of this act, every marine officer and private man on shore, who shall mutiny or desert, etc. or list in any other regiment, etc. or shall be found sleeping on, or shall desert, his post, or hold correspondence with the enemies of his Majesty, or shall strike, or disobey his superior officer; shall suffer death, or such punishment as a court-martial shall inflict. The lord high admiral,

miral, or commissioners for executing that office, may grant a commission for holding a general court-martial, &c. Courts-martial may inflict corporal punishment for immoralities, &c. Lords, &c. of the admiralty empowered to make articles for punishment of mutiny and desertion, &c. and to constitute courts-martial. None to be adjudged of life or limb, but for crimes expressed to be so punishable by this act. General court-martial not to consist of less than 13; and the president to be a field officer, or officer next in seniority, not under the degree of a captain. Court-martial may administer an oath to witnesses. Officers to be sworn. Judge's charge before oath. The oath. The judge-advocate to be sworn. The oath. In sentences of death, what number of officers shall concur, &c. Hours of trial. The party tried intitled to a copy of the sentence and proceedings of the court-martial. Original proceedings, &c. of courts-martial to be transmitted to the secretary of the admiralty, &c. None to be tried a second time for the same offence. Sentence not to be revised more than once. Deserters beyond sea, &c. may be tried here or in Ireland. This act not to exempt any on shore from ordinary process. Persons acquitted, &c. by the civil magistrate may only be cashiered by a court-martial. Persons accused of capital crimes, &c. to be delivered over to the civil magistrate, &c. Penalty on officers refusing to deliver over offenders. Fictitious names allowed by his Majesty's order upon the muster-rolls for the maintenance of officers' widows, not to be construed a false muster. Paymaster to pay the full pay of such men to the receiver. Constables, &c. to quarter officers and men in inns, alehouses, &c. but in no distillers or shopkeepers houses, or in any private houses. Penalty on officers quartering men contrary to this act, &c. Persons aggrieved by being quartered on, may complain to any justice, and be relieved. Officers and marines to pay rates for their provisions. What innholders may allow men quartered on them, instead of meat. Penalty on taking money to excuse any person from quartering. Commanding officer may exchange marines in their quarters, and the constables to billet the same accordingly. No paymaster, &c. to make deductions out of officers or private men's pay. Exception. Officers to give notice to inkeepers of subsistence-money in their hands. Rates of subsistence to be paid to innkeepers, &c. for marines quarters. Officers not given notice of subsistence-money, and paying quarters, Paymaster to satisfy them out of the arrears: and in case of no arrears due, the paymaster may deduct out of the next subsistence-money. Officers neglecting to be cashiered. On moving from quarters, the officer to make up accounts, and give certificates for money due. Paymaster to pay the sum certified for. Officers, &c. to be quartered in Scotland, as the laws in force at the union direct. Justices may order constables, to provide carriages for the marine forces in their march. Rates for carriages. Penalty on officers forcing waggoners to travel more than one day's journey, &c. Penalty on constables, &c. Neglect. Treasurers of the county to repay the constable's extraordinary charges. The money for those purposes how to be raised. No wagon, &c. to carry above 20 hundred weight. Carriages in Scotland how to be provided. Marines wives, &c. not to be quartered without consent. Penalty. Penalty on officers and marines destroying the game. Constables may apprehend deserters, and carry them before a justice. Justices to commit them, and transmit an account to the secretary of the admiralty. Gaol keeper to receive the subsistence of deserters. Reward for taking up deserters. Penalty on persons concealing deserters, or receiving their arms, clothes, &c. This act to extend to deserters, &c. in Ireland. Continuance of this act. Offences against former acts may be enquired of and punished as under this act: Provided no person be liable to be tried for offences committed three years before issuing the warrant for trial; except in cases of desertion only. No volunteer liable to process, unless for some criminal matter, or unless for a real debt of the value of 10l. Oath of the debt to be made before a judge, and a memorandum thereof marked on the back of the process; otherwise the prisoner to be discharged, with costs. Plaintiff giving notice may file a common appearance, and proceed to judgement and execution. Penalty on constables, &c. neglecting

to quarter marines; or taking money to excuse any person from quartering, and on victuallers refusing to receive marines. To prevent abuses in quartering, justices may order constables to give an account of the number of officers and private men, and where quartered. Clause for relief of persons hastily listing themselves. As often as it shall be necessary, officers of the marine and land forces may sit in conjunction upon courts-martial; taking rank according to the seniority of their commissions. Marine forces being borne as part of the complement of any ships of war, are liable to be governed by the rules established by act 22 Geo II.

C A P. IX.

An act for allowing the importation of fine organzined Italian thrown silk in any ships or vessels, for a limited time.

Preamble.

WHEREAS by an act, made in the second year of the reign of their late majesties King William and Queen Mary, (intituled, An act for the discouraging the importation of thrown silk,) amongst other things in the said act contained, the bringing in of thrown silk of the growth or production of Italy is prohibited, unless imported in such ships or vessels, and navigated in such manner, as in and by an act, made in the twelfth year of the reign of King Charles the second, (intituled, An act for the encouraging and increasing of shipping and navigation,) is directed and allowed, and brought from some of the ports of those countries or places whereof the same is the growth or production, and which shall come directly by sea, and not otherwise and whereas there is at present very great and immediate want of organzined thrown silk from Italy, for the use and purpose of warp in the silk manufactory, without which the manufactory cannot be carried on, and many thousands of manufactoryers must be unemployed, be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for any person or persons to import or bring into this kingdom from any port or place, or in any ship or vessel whatsoever, until the expiration of twenty days after the commencement of the next session of parliament, organzined thrown silk of the growth or production of Italy, any thing contained in the said recited acts, or any other act, to the contrary thereof notwithstanding

Italian organzined thrown silk may be imported in any vessel, and from any place, for a limited time

Certain kinds of thrown silk to which the liberty of importation hereby given, shall not extend.

II Provided always, That this act, nor any thing herein contained, shall extend to give liberty to import any Italian thrown silk that shall be coarser than a sort thereof known and distinguished by the name of *Third Bologna*, nor any sorts of silks commonly called *Tram*, of the growth of Italy, nor any other thrown silk of the growth or production of *Turkey*, *Persia*, *East India*, or *China*, under the penalty, of forfeiting all such thrown silks as shall be brought over and imported contrary to the purport, true intent, and meaning of this act; one moiety whereof to the use of his Majesty, his heirs and successors, and the other moiety to such person or persons who shall seize, inform, or sue for the same; to be recovered by bill, plaint,

plaint, or information, in any of his Majesty's courts of record at *Westminster*, wherein no *essoin*, protection or wager of law, shall be allowed.

III. And, for the better and more effectual execution of this act, and to prevent the importation of any sort of thrown silk not organzined, be it further enacted and declared, That all such organzined thrown silk as is allowed to be imported by this act, wheresoever landed, shall be brought to his Majesty's custom-house at *London*, to the intent that no other sort of thrown silk may be imported than that allowed by this act, under the penalty of forfeiting all such thrown silk as shall be imported contrary to the purport, true intent, and meaning of this act; one moiety whereof shall be to the use of his Majesty, his heirs and successors, and the other moiety to such person or persons who shall seize, inform, or sue for the same; to be recovered by bill, plaint, or information, in any of his Majesty's courts of record, wherein no *essoin*, protection, or wager of law, shall be allowed; any thing to the contrary hereof in anywise notwithstanding.

C A P. X.

An act for repealing an act, made in the last session of parliament, intituled, An act for the more easy and better recruiting of his Majesty's land forces and marines; and for substituting other and more effectual provisions in the place thereof.

WHEREAS, for recruiting his Majesty's land forces and marines, it is necessary that a new supply of men be forthwith raised, in the most speedy and effectual manner, within the kingdom of Great Britain, by common consent and grant in parliament: and whereas it is highly expedient that further and other provisions be made for that purpose than those contained in an act made in the last session of parliament, (intituled, An act for the more easy and better recruiting of his Majesty's land forces and marines;) be it therefore enacted by the king's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the passing of this act, the said recited act shall be, and the same is hereby repealed; and that within and throughout the several and respective counties, shires, stewartries, ridings, cities, boroughs, cinque-ports, parishes, towns, and places, of *Great Britain*, a speedy and effectual levy of able-bodied men to serve his Majesty as soldiers, shall be forthwith had, made, practised, and put into execution, according to the rules and directions of this present act:

II. And it is hereby further enacted, That the justices of the peace of every county, shire, stewartry, riding, liberty, or place, within the kingdom of *Great Britain*, as aforesaid; and all and every the persons who were named or otherwise appointed to be commissioners for putting in execution an act of

All organzined thrown silk imported by virtue of this act to be brought to the custom house at *London*.

18 Geo. 3. cap 53, recited,

and repealed.

A levy of able-bodied men to be made throughout *Great Britain*.

Justices of the peace, commissioners of the land tax, and magistrates of corporations and

burghs, to
put this act in
execution;

parliament, made and passed at *Westminster* in the fifteenth year of the reign of his present Majesty, (intituled, *An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and seventy five,*) or any subsequent act or acts of parliament for that purpose, within the several and respective counties, shires, stewartries, ridings, cities, boroughs, cinque-ports, towns, and places, therein particularly expressed, who are still living, and have duly qualified themselves according to the said acts, or shall qualify themselves according to this present act, in that behalf, shall be commissioners for putting in execution this present act, and the powers therein contained, within and for the same counties, shires, stewartries, ridings, cities, boroughs, cinque-ports, towns, and places, of *Great Britain*, for which they were so named and appointed respectively; and that all and every the acting justices of the peace, and magistrates of corporations and burghs, in any part of *Great Britain*, who are or shall be acting in any of his Majesty's commissions of the peace, or in the magistracy of such corporation or burgh, at any time during the execution of this act, although not specially named or appointed commissioners by the said act or acts), shall be likewise commissioners for putting in execution this present act, and all the powers therein contained, within the limits of their commissions and jurisdictions respectively: all which commissioners, by this act intrusted with the execution of the same, are hereby strictly enjoined and required to use their utmost care and diligence that his Majesty's service in making such levies as aforesaid be not disappointed or neglected.

and to take
care that his
Majesty's ser-
vice be not
neglected.

High sheriffs,
&c. upon no-
tice from the
secretary at
war, to issue
precepts for
summoning
the commis-
sioners to
meet, and
qualify them-
selves.

Notice of the
day of meet-
ing to be sent
to the war-
office, &c.

Commis-
sioners to ap-
point the
times and pla-
ces of their
succeeding
Meetings, and
issue precepts

III. And be it further enacted by the authority aforesaid, That the sheriff of every county, or his deputy, immediately upon receiving notice for that purpose from the secretary at war, shall send precepts to the respective bailiffs, or others who are usually employed to summon juries, although in liberties out of the ordinary jurisdiction of the said sheriff, directing them to summon the several justices of the peace, and commissioners of the land tax, in their respective divisions and liberties, to attend at the usual place of meeting in every division, upon a certain day in the said precepts named, (such day not to be named within six days after the date of the said precepts,) within the time limited by the secretary at war, (notice of which day shall be sent to the war-office and admiralty upon the issuing of the precepts by the sheriff,) to qualify themselves for the execution of this act; and the said commissioners shall then and there appoint the several times and places for the succeeding meetings, in each of their respective subdivisions, during the continuance of this act, and shall have power to adjourn, from time to time, as they shall find convenient; and the said justices of the peace, and commissioners of the land tax, at such their first meeting, or at some other meeting to be held as soon as it can be conveniently, shall issue their precepts to the high constables, headboroughs, or other proper

proper

proper officers, for the respective hundreds, lathes, rapes, wapentakes, or other subdivisions, within the said counties, shires, stewardries, ridings, or divisions, as aforesaid; which precepts shall contain an account of the times and places appointed for the succeeding meetings, and shall be returnable on a day therein to be named; and such high constables, headboroughs, or other proper officers, are hereby required forthwith to signify the times and places so appointed for such meetings to the several commissioners residing within their respective districts; and the said commissioners assembled at such first meeting shall also give notice of the time and place of all and every succeeding meeting, to be appointed as aforesaid, to the secretary at war, or to the military officer or officers whom they shall have learned, by notice from the secretary at war, or secretary to the admiralty, to be directed to attend this service.

for that purpose to the high constables, &c.

and to give notice thereof to such military officers as shall attend this service.

IV. Provided always, and it is hereby enacted, That all reasonable charges or expences incurred by any sheriff, or deputy sheriff, in the execution of this act, shall be allowed in the accounts of such sheriff at the receipt of his Majesty's exchequer, or repaid by the lord high treasurer or the commissioners of the treasury for the time being.

Sheriffs to be allowed the expences incurred in the execution of this act.

V. Provided always, and be it further enacted, That in case the second meeting, appointed to be held in any subdivision, shall be at so great a distance of time as to render it inconvenient to issue warrants for bringing persons before such commissioners at the second meeting, then the commissioners of such subdivision respectively may adjourn themselves to some convenient day previous to such second meeting, in order to issue their warrants as aforesaid.

Proviso relating to second subdivision meetings.

VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners, at their first general meeting assembled, to appoint a clerk to attend them then, and at each of their subsequent meetings, and for the commissioners of the several subdivisions to appoint a clerk to attend them at their respective meetings in each subdivision wherein soldiers are to be enlisted, as herein-after mentioned; and such respective clerks, as a reward for their labour and pains in the execution of this act, shall be intitled to, and shall receive, for every man who shall be listed in pursuance of this act, at the meetings whereon they shall respectively attend, the sum of two shillings of lawful money of *Great Britain*, to be paid by the respective officers who shall receive such new-raised men respectively.

Commissioners, at their first meeting, may appoint a clerk;

who shall receive 2s. for every man listed at their respective meetings.

VII. Provided always, and be it enacted, That no person or persons, hereby appointed to be a commissioner or commissioners for any county, riding, city, borough, cinque-port, or place, of *England, Wales, or Berwick upon Tweed*, (except such as duly qualified themselves to be justices of the peace, or commissioners for executing the said act for the land tax made and passed in the fifteenth year of his present Majesty's reign, or any subsequent act or acts of parliament for that purpose,) shall

Commissioners in England not to act till they have taken the oaths appointed by acts

be

1 Geo. I.

and 6. Geo. III.

nor commis-
sioner in Scot-
land, till they
have qualified
themselves as
the laws there
direct.

Commission-
ers in England
acting before
they have
taken the
oaths,

forfeit 200 l.

and commis-
sioners in
Scotland, soli

be capable, in *England, Wales, or Berwick upon Tweed*, of acting as a commissioner or commissioners in the execution of this act, or executing any the powers of the commissioners herein-mentioned, unless it be the power hereby given of administering oaths, until such time as he or they shall have taken the oaths appointed by two acts of parliament, one made in the first year of the reign of his late majesty King George the First, (intituled, *An act for the further security of his Majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants; and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors;*) and the other made in the sixth year of the reign of his present Majesty, (intituled, *An act for altering the oath of abjuration and assurance; and for amending so much of an act of the seventh year of her late majesty Queen Anne, intituled, An act for the improvement of the union of the two kingdoms, as, after the time therein limited, requires the delivery of certain lists and copies therein mentioned, to persons indicted of high treason or misprision of treason;* which oaths it shall and may be lawful to and for any two or more of the said commissioners to administer, and they are hereby required to administer the same to any other of the said commissioners: and that no person or persons hereby appointed to be a commissioner or commissioners for any part of *Scotland*, (except such as duly qualified themselves, according to law, to be justices of the peace or commissioners there for executing the said act for the land tax made and passed in the fifteenth year of his Majesty's reign, or any subsequent act or acts of parliament for that purpose,) shall be capable of acting as a commissioner or commissioners in the execution of this present act, in any part of *Scotland*, until such time as he or they respectively shall have taken and subscribed the oaths of allegiance and abjuration, and have subscribed the assurance appointed by law to be taken and subscribed by persons in offices of publick trust in *Scotland*.

VIII. Provided always, and be it enacted, That if any person hereby appointed a commissioner for any county, city, riding, town, or place, in *England, Wales, or Berwick upon Tweed*, (except as before excepted) shall presume to act as a commissioner in the execution of this act, before he shall have taken the said oaths which by this act he is required to take, and in the manner hereby prescribed, he shall forfeit to his Majesty the sum of two hundred pounds, to be recovered by action of debt, or on the case, bill, suit, or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, wager of law, or more than one imparlance, shall be allowed; and that if any person hereby appointed a commissioner for any shire, stewartry, burgh, or place in *Scotland*, (except as before excepted), shall presume to act as a commissioner in the execution of this act, before that he shall have qualified himself according to the laws in *Scotland*, he shall forfeit to his Majesty the sum of fifty pounds, to be recovered in the court of exchequer

in

in *Scotland*, in the same manner as any other penalties are there recoverable.

IX. Provided always, and be it enacted by the authority aforesaid, That no commissioner of the land tax, not being a justice of the peace, or a magistrate of a corporation or a borough, shall be capable of acting as a commissioner in the execution of this act, or of any of the powers therein contained, in or for any county at large within *England*, or in or for any of the ridings in the county of *York*, unless such person by himself, or his tenants or trustees, was taxed or did pay, in the same county or riding, for the value of one hundred pounds *per annum*, or more of his own estate, by virtue of the said act for the land tax, made and passed in *England*, in the fifteenth year of his Majesty's reign, or any subsequent act or acts of parliament for that purpose; or unless such person so appointed to be a commissioner shall, at the time of the execution of this act, by himself, his tenants or trustees, enjoy an estate of lands, tenements, or hereditaments, of the said yearly value of one hundred pounds, or more, within the said county or riding respectively; any thing herein contained to the contrary notwithstanding.

Qualification
of commis-
sioners for
counties at
large within
England,

X. Provided always, and be it enacted, That no commissioner of the land tax, not being a justice of the peace, or a magistrate of a corporation or a borough, shall be capable of acting as a commissioner in the execution of this act, or any of the powers therein contained, in or for any county within the dominion of *Wales*, unless such person by himself, or his tenants or trustees, was taxed or did pay, in the same county, for the value of sixty pounds *per annum*, or more, of his own estate, by virtue of the said act for the land tax made and passed in *England* in the fifteenth year of his Majesty's reign, or any subsequent act, or acts of parliament for that purpose, or unless such person so appointed to be a commissioner shall, at the time of the execution of this act, by himself, his tenants or trustees, enjoy an estate of lands, tenements, or hereditaments, of the said yearly value of sixty pounds, or more, within the said county; any thing herein contained to the contrary notwithstanding.

and in *Wales*.

XI. And it is hereby further enacted, That if any person intended by this act to be disabled for the cause last-mentioned, shall nevertheless presume to act as a commissioner in the execution of this act, or any of the powers therein contained, every such person, for such offence, shall forfeit the sum of fifty pounds, to any person or persons who shall inform or sue for the same, to be recovered in any of his Majesty's courts of record at *Westminster*, or in the exchequer of *Scotland*, as aforesaid.

Persons dis-
abled presum-
ing to act;
forfeit 50 l.

XII. Provided nevertheless, and it is hereby enacted, That no person who is appointed to be a commissioner for executing this act in any part of *Great Britain*, shall be disabled, for the cause last-mentioned, from acting as a commissioner within and for any city, borough, cinque-port, or corporate town only, whereof he shall be an inhabitant at the time of the exe-

Commission-
ers may act
for any city,
etc: whereof
they are inha-
bitants, or for
inns of court.

cution

cution of this act, or from acting as a commissioner within any of the inns of court or inns of chancery.

In case of insufficiency of commissioners for any city, etc. those for the county at large, may act for the same.

XIII. And be it further enacted, That in case there shall not be a sufficient number of commissioners for any city, borough, town, port, or place of *Great Britain*, (for which by this act commissioners are specially appointed,) capable of acting according to the respective qualifications required by this act; then, and in every such case, any of the commissioners appointed for the county or shire or stewartry at large, within which such city, borough, town or place, doth stand, or which is next adjoining thereto, may act as commissioners in the execution of this act, within such city, borough, town, port, or place, any thing herein contained to the contrary notwithstanding.

Mayors, bailiffs, etc. may act as commissioners specially appointed.

XIV. *And whereas doubts may arise whether mayors, bailiffs, and other chief magistrates of cities, boroughs, towns corporate, and cinque-ports, for which commissioners are specially appointed by virtue of the said act for the land tax made in the fifteenth year of his Majesty's reign, or any subsequent act or acts of parliament for that purpose, can act as commissioners for executing this act, in the said cities, boroughs, towns corporate, and cinque-ports;* be it further enacted by the authority aforesaid, That all mayors, bailiffs, and other chief magistrates, who are appointed commissioners for executing this act, shall be, and have power to act as commissioners for executing this act, within and for any city, borough, town corporate, or cinque-port, wherein they inhabit at the time of executing this act, as well where commissioners are specially appointed by this act, as where they are not.

No military officer may be a commissioner.

XV. Provided always, and it is hereby enacted, That no person who, at the time of the execution of this act, shall have any military office or employment in *Great Britain*, (other than in the militia, or any regiment of fencible men,) shall execute any power or authority by this act given to the commissioners as aforesaid.

Commissioners impowered to levy such men as are herein described;

XVI. And it is hereby further enacted by the authority aforesaid, That the said commissioners, or any three or more of them, in their respective places or stations, shall be, and are hereby authorised and impowered to raise and levy, and to cause to be raised and levied, at any time or times during the continuance of this act, within their several limits and jurisdictions, all able-bodied idle and disorderly persons, who cannot, upon examination, prove themselves to exercise and industriously follow some lawful trade or employment, or to have some substance sufficient for their support and maintenance, to serve his Majesty as soldiers; and to require and command all and every the high constables, churchwardens, overseers of the poor, petty constables, headboroughs, and tythingmen, and other parish and town officers, or any of them, within their respective limits and jurisdictions, to be aiding and assisting to them the said commissioners, or any three or more of them, in the performance of this his Majesty's service; and for that purpose the said commissioners, or any three or more of them, are to meet

and to call in the assistance of parish and town officers;

and to meet in their subdivisions.

in

in their respective subdivisions, according to the appointment of the justices and commissioners as aforesaid, and to issue out their warrants under their hands and seals, thereby requiring and commanding such churchwardens, overseers of the poor, petty constables, head boroughs, tithingmen, or other parish or town officers, or else requiring and commanding the said high constables to issue their precepts to such churchwardens, overseers, petty constables, headboroughs, tithingmen, and other parish and town officers as aforesaid, every or any of them, to make, or cause to be made, a general search within their respective parishes, townships, constablewicks, or other places, for all such persons as they can find who are or shall appear to them to be within the description of this act, and to bring all such persons before the commissioners who have power to execute this act in and for such county, shire, stewartry, riding, division, or place, at such time and place as shall have been appointed, by the justices and commissioners as aforesaid, for the second meeting of the said commissioners in their respective subdivisions, (which time and place shall be prefixed in the said warrants and precepts respectively;) and afterwards the said commissioners, within their respective limits and divisions, shall meet at such convenient time or times as they shall think fit, in order to issue their warrants or precepts for making general searches for persons within the said description, and for bringing them before the commissioners at any future times and places appointed by the justices and commissioners as aforesaid, during the continuance of this act.

and issue general search warrants for bringing before them, at their second subdivision meeting all persons within the description of this act.

Subsequent meetings to be at such times and places as shall be thought fit.

XVII. And be it further enacted by the authority aforesaid, That the said commissioners, or any three or more of them, in their respective places and stations, shall be, and are hereby authorized and empowered to raise and levy, or cause to be raised and levied, to serve his Majesty as a soldier, (at any time or times during the continuance of this act, within their respective limits and jurisdictions, and subject to the several rules and regulations herein specified for the raising and levying persons who have no lawful trade or employment,) all able-bodied persons who shall be guilty of illegal landing, running, unshipping, concealing, receiving, or carrying, prohibited goods, wares, or merchandises, or any foreign goods liable to the payment of the duties of customs or excise, the same duties not having been paid or secured, or of aiding or assisting therein, and shall be thereof convicted, before one or more of his Majesty's justices of the peace for the county or place where the offence was committed, in any penalty not exceeding forty pounds, in lieu of such penalty, or any punishment to which such person may be liable by any law now in force.

Persons guilty of running goods, and convicted in a penalty not exceeding 40l. may be levied as soldiers, in lieu of all legal penalties.

XVIII. And be it further enacted, That no bailiff's follower or assistant, employed or belonging to any sheriff, bailiff of liberties, *Marshalsea* court, or any other person or persons that shall be so employed by any one that shall have the power of executing any warrant or process whatsoever, shall be deemed

Bailiffs followers, &c. not deemed to exercise any employment within this act.

thereby

thereby to follow or exercise any calling or employment, or to have a sufficient support and maintenance, within the intent and meaning of this act.

Persons convicted of leaving their families chargeable on the parish, may be enlisted by the justices, etc.

XIX. *And whereas by an act of the seventeenth year of king George the second, (intituled, An act to amend and make more effectual the laws relating to rogues, vagabonds, and other idle and disorderly persons, and to houses of correction,) the justices in sessions are required to adjudge all persons, convicted of running away from and leaving their families chargeable upon the parish, incorrigible rogues, and to adjudge them to suffer the punishments allotted under the said act to incorrigible rogues;* be it hereby enacted that the said justices in session shall be impowered, instead of the said punishments allotted to such persons convicted of running away from and leaving their families chargeable upon the parish as aforesaid, to enlist the said persons, and to deliver them to some officer impowered to receive recruits under this act; and such persons shall have the articles of war read to them, and shall be deemed enlisted to all intents and purposes whatsoever; provided always, that such persons do not lie under any disqualification or sickness or inability recited in this act; and the said officer shall, upon the receipt of every such person so convicted, pay to the said justices, for the use of the overseers of the poor of the parish upon which the said person shall have left his family chargeable, the sum of forty shillings.

Officers receiving any such person to pay 40s. for the use of the overseers.

Justices, on information, etc where any able-bodied men are to be found, may issue a warrant for apprehending them.

XX. And be it further enacted, that any justice or justices of the peace may, upon his or their own knowledge, or information upon oath, where any able-bodied man or men, within the description of this act, is or are to be found, issue a warrant to the constable or other parish or town officer, or to any other person or persons, for apprehending such man or men; and the constable, or other parish or town officer, or other person or persons, upon the receipt of such warrant, is and are hereby required to apprehend such man or men, and such man or men shall be secured and insisted in the manner herein directed in relation to other persons apprehended in pursuance of this act: and where any man shall be apprehended and insisted in consequence of such information as aforesaid, the whole of the twenty shillings, by this act directed to be paid by the officer to whom such man shall be delivered in pursuance of this act, shall be paid to the informer or informers.

Able-bodied men only to be enlisted; and none under 16, nor above 50 years of age, etc.

XXI. Provided always, and be it further enacted, That no person shall be insisted by the said commissioners, by virtue of this act, who is not such an able-bodied man as is fit to serve his Majesty, and is free from ruptures, and every other distemper, or bodily weakness or infirmity, which may render him unfit to perform the duty of a soldier; and that no man be insisted for his Majesty's service by virtue of this act, who shall appear in the opinion of the commissioners, or officer or officers appointed to receive such men, to be under the age of sixteen years, or above the age of fifty, or who, being under the age of eighteen years, shall be under the size of five feet three inches, with-

out

out shoes, or being above the age of eighteen, shall be under the size of five feet four inches, without shoes.

XXII. Provided always, and it is hereby declared, That this act shall not extend to the impressing any person to serve as a soldier or as a seaman, who shall make it appear, to the satisfaction of the commissioners then present, that he hath any vote in the election of any member or members to serve in parliament, for any county, city, borough, town, port, or place, within the kingdom of *Great Britain*.

No Person to be impressed who hath a vote for member of parliament.

XXIII. And be it further enacted, That it shall and may be lawful to and for the churchwardens and overseers of the poor, constables, headboroughs, tythingmen, and other officers, of any parish or township, or any of them, at any time after the said second meeting of the said commissioners, having a proper warrant or precept as aforesaid, to search for and apprehend all or any such person or persons as they, or any of them, shall find, or shall appear to them to be within the description of this act, and to secure such persons (in case they shall think it necessary) in the goal or house of correction, or other proper place of security, of the county, town, or place, where such persons shall be apprehended, and with all convenient speed to bring such person or persons before one or more of the justices of the peace of the county, shire, stewartry, city, riding, liberty, or place, within which he or they shall have been so apprehended, to be examined; and if the said justice or justices shall judge the person or persons, so brought before him or them, to be within the description of this act, it shall in that case be lawful for the said justice or justices to commit such person or persons as aforesaid, (in case they shall think it necessary;) and the keeper of such goal or house of correction, or other proper place of security, as aforesaid, shall receive such person or persons without fee or reward, and the parish officers shall allow such keeper, out of the poor's rate of the parish or place where such person or persons shall be apprehended, sixpence by the day for each person during the time that they shall remain there, or shall convey them before the commissioners, at their next meeting for listing of soldiers, to be examined, and (if adjudged by the commissioners to be within the description of this act) to be listed and delivered into his Majesty's service, according to the true intent and meaning of this act.

After the second meeting of the commissioners, parish officers may search for and secure such persons as come within the description of this act, and convey them before a justice;

who may commit them till the next meeting of the commissioners, &c.

XXIV. And it is hereby further enacted and strictly enjoined by the authority aforesaid, That the inhabitants of every parish and township, where any persons described as aforesaid do abide or are to be found, (at the instance of any one or more of the commissioners appointed for the execution of this act, or of any churchwarden, overseer of the poor, or constable, of the same parish or township,) shall (not having a lawful or reasonable cause to the contrary) be aiding and assisting in the furtherance of his Majesty's service by this act described.

Inhabitants required to be assisting herein.

XXV. And, to encourage such inhabitants and others to assist in discovering and apprehending such persons described as aforesaid,

10s. Premium to such as shall discover any proper person, so as he be enlisted.

said, it is hereby further enacted by the authority aforesaid, That if any person shall discover and give information of any able-bodied man, fit to serve his Majesty within the description of this act, so that he shall be apprehended and enlisted before the commissioners as aforesaid, such person, for every man so discovered and enlisted, shall receive, from the officer to whom such man shall be delivered, the sum of ten shillings, out of the twenty shillings which he is elsewhere directed to pay to the officers of the parish or town, for every man impressed by virtue of this act, and the remainder only of such twenty shillings shall, in that case, be paid to such officers.

Persons obstructing the execution of this act to forfeit 10l.;

which may be levied by distress.

XXVI. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall wilfully do any act or thing whereby the execution of this act, in the searching for, taking, and securing, such able-bodied men as aforesaid, shall be hindered or frustrated, every such person shall, for every such offence, forfeit and pay any sum not exceeding ten pounds, to the use of the informer or informers; and all and every such offences may be enquired of, heard, and finally determined, by any two or more of his Majesty's justices of the peace, dwelling in or near the place where such offence shall be committed; who have hereby power to cause the said penalty to be levied by distress and sale of the offender's goods and chattles, rendering the overplus (if any be) to the owners; and if the offender has no goods and chattels sufficient to answer the said penalty, then to commit him or her to the county gaol or house of correction, there to remain for the space of three calendar months without bail or mainprize.

Commissioners to examine the persons brought before them, &c.

XXVII. And be it further enacted by the authority aforesaid, That the commissioners for executing this act, who shall attend this service at the place or places for listing soldiers in pursuance of this act, shall strictly examine the persons who shall be brought before them by the said churchwardens, overseers, constables, headboroughs, tithingmen, or other parish or town officers, as aforesaid; and it shall and may be lawful to and for the said commissioners, and they are hereby authorized to administer an oath to each and every person who shall appear and give evidence touching any person so brought before them in pursuance of this act: and in case the said commissioners, or the major part of them then present, upon examination of the persons so brought before them, shall find that such persons shall come within the descriptions herein mentioned; and the said commissioners, and the officer or officers who shall be appointed to receive the impressed men, shall judge them to be such as are hereby intended to be entertained as soldiers in his Majesty's service; then, and in such case, the said commissioners shall cause such persons to be delivered over, by the said churchwardens, overseers, constables, headboroughs, tithingmen, or other parish or town officers, to such officers or persons as shall be appointed to receive such recruits as aforesaid: and if it shall at any time appear to the officer, under

and, if found proper for the service, to deliver them to the military officers.

How officer to proceed when

whose command such impressed men shall be, that any such men are more proper for his Majesty's service by sea than by land, then it shall and may be lawful for such officer to carry such men before any three of the commissioners authorised to put this act in execution; and if such commissioners shall judge such persons to be more proper for his Majesty's service by sea than by land, then it shall be lawful for such officer to cause such men to be delivered over to any commission officer of his Majesty's fleet to be appointed for entering such persons to serve as common sailors in the said fleet, such officer giving a receipt under his hand, acknowledging what men are so delivered to him, (which receipt he is hereby required to give,) and also repaying to the land officer the expences incurred by him on account of the said impressed men.

XXVIII. Provided always, and be it further enacted by the authority aforesaid, That it shall be lawful for the commissioners who shall have been present at any such meeting where any man shall have been delivered over as aforesaid, or for the major part of them, upon the demand of such man, or of any other person on his behalf, signified to their clerk within four days after such meeting, and by him notified to each of the said commissioners, to appoint a further meeting of the same commissioners, at which any other commissioners, may also attend, to be holden within six days after the making of such demand, unless the party appealing shall require a further reasonable time; and if, upon further and more certain information, the said commissioners, or the major part of them, at such further meeting, shall find that such man was not, at the time of his being delivered over as aforesaid, within the description of this act, they are hereby required to certify the same, under their hands and seals, to his Majesty's secretary at war, or secretary to the admiralty, or to the general officer whom they shall have learned, by notice from the secretary at war, to have been appointed to command his Majesty's forces in the district where such commissioners act, who, on the receipt of such certificate, shall cause the man to be forthwith discharged; and the recruiting officer shall, on such person's receiving his discharge as aforesaid, cause to be paid to such man the sum of one shilling for each day he shall have been so detained in the service as aforesaid, to be allowed to such officer out of the recruiting fund, over and above such subsistence as he may have received; and the clerk appointed by the commissioners shall repay to such officer (without fee or other deduction) the several sums before paid to him by the said officer, and shall give back the receipts taken as above directed in exchange for a copy of the said man's discharge; and in case no such discharge shall have been obtained as aforesaid, then the said clerk shall, after the expiration of fourteen days from the time that such man was delivered over as aforesaid, pay over, without fee or deduction, to the persons respectively intitled

impressed men shall be found more proper for the sea service than the land.

Commissioners present at the delivering over any recruit, may, upon demand made in his behalf, appoint a further meeting;

and finding him not to be within the description of this act, are to certify the same to the secretary at war; who shall cause the man to be discharged.

Officer to pay him 1s. for each day he shall have been detained.

Clerk to repay to the officer the sums received of him, etc.

If no discharge be obtained, clerk to pay over the sums de-

posited to the proper persons.

None to be inlisted till the sums payable by the officers are first paid.

Officers may secure impressed men.

Keeper to be allowed their subsistence money.

Civil officers to be aiding in securing them, and to be allowed for their trouble.

Officer not attending to receive recruits, commissioners may adjourn, and order the detention of the impressed men.

Notice of adjournment to be given to officers attending this service, &c.

Officer to pay subsistence money for every recruit,

thereto under the directions of this act, the several sums deposited in his hands for that purpose.

XXIX. Provided always, That nothing in this act, contained shall be construed to extend to empower the said commissioners to inlist any person as a soldier, until the several sums, herein directed to be paid, by the respective officers appointed to receive such new-raised men, shall be first paid to the person or persons respectively authorised to receive the same.

XXX. And be it further enacted by the authority aforesaid, That the officer or officers, and other person or persons appointed to attend the said commissioners, and to receive such impressed men, shall, in case he or they shall find it necessary, detain such impressed men in some secure house or place, to be provided by the justices of the peace, in their petty or special sessions, for that purpose; but in case no such house or place shall be provided, then in the gaol of the county, town, or place, where such men shall be received into his Majesty's service, or in the house of correction, or other publick prison, of such county, town, or place; and the keeper of such gaol, house of correction, or prison, shall receive such impressed men until they can be removed, without fee or reward; and such keeper shall be allowed the usual subsistence for such men, during the time they remain there, from the officer by whom they shall be delivered as aforesaid; and the constables, headboroughs, and other civil officers, shall, if required, be assisting to such officer in conveying such man or men to such gaol, place, or house of correction, and shall be allowed such reasonable sum or sums as the major part of the commissioners then present shall appoint, to be paid by the officer or officers who shall require such assistance.

XXXI. And be it further enacted by the authority aforesaid, That if at any of the meetings of the commissioners by this act appointed, in any of their subdivisions, they shall not be attended by some proper officer appointed for the receiving of recruits, either through negligence or any unavoidable accident; then, and in that case, it shall and may be lawful to and for the said commissioners to adjourn themselves to some other convenient day, and they are hereby authorised to give directions for detaining in custody all such persons as shall have been then brought before them by the parish officers to be inlisted, or such of them as they shall think duly qualified for his Majesty's service; and the said commissioners shall give notice to any of the officers attending on this service, in the county or place where such subdivisions shall be, of the day of such adjournment; and the said officer is hereby required, either to attend himself, or appoint some other person to attend such commissioners, and to receive such persons as the said commissioners shall inlist into his Majesty's service; and the officers for receiving the said recruits shall pay to such person as the said commissioners shall appoint, sixpence *per Diem* for the subsistence of every recruit then inlisted, from the day of the last meeting of the

the commissioners to the said day of adjournment, the same to be charged to the account of the several regiments or companies into which the said recruits shall be enlisted, together with such charges and expences as shall appear to the said commissioners to have been incurred, on account of the detaining the said persons, from the day of the former meeting of the said commissioners to the day of such second meeting, not exceeding three pounds.

and incidental charges.

XXXII. And, for the better preventing any disputes which may arise about paying for the subsistence of those persons who, having been apprehended and detained by virtue of this act, may afterwards be discharged upon examination before the commissioners and military officers, be it further enacted by the authority aforesaid, That if any person, being judged by the commissioners not to be within the description of this act, shall be by them discharged, the officers of the parish or town shall be intitled to no consideration for their expences in keeping such person; and if any person being judged by the commissioners to be within the description of this act, shall be rejected by the military officer, such officer shall pay to the officers of the parish or town sixpence *per Diem* for the whole time that they shall have kept such person, to be charged to the account of his respective regiment or company; and every officer who shall object to any person delivered to him by the commissioners, shall specify his objection to such person, whether it be to his age or size, or bodily disability, and the grounds of such objection shall be forthwith, as far as may be, inquired into by the said commissioners and they shall proceed accordingly; and every officer who shall refuse or discharge any person delivered to him by the commissioners, as fit to serve his Majesty within the description of this act, shall, without delay, if a land officer, transmit to his Majesty's secretary at war, or, if a marine officer, to the secretary of the admiralty, his reasons for such refusal or discharge, in writing, signed by himself.

Persons discharged as not within the description of this act, parish not to be allowed their expences:

If within the description, and rejected by officer, he shall pay the expences of keeping them.

Objections to be specified, and inquired into by commissioners.

Reasons of discharge to be transmitted to the secretary at war, &c.

XXXIII. And be it further enacted, That the pay of every such new-raised man, so delivered to the officers or persons appointed to receive them as aforesaid, shall commence from the time of his being taken and secured as aforesaid, and no person, so enlisted or entered in pursuance of this act, shall be liable to be taken out of his Majesty's service by any process, other than for some criminal matter.

New-raised men to receive pay from the time of their being secured; and not liable to arrests for debt.

XXXIV. And it is hereby further enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners, or any three or more of them, to impose upon any gaoler, or keeper of a house of correction or prison, who shall suffer any person, committed to his custody in pursuance of this act, to escape; or upon any high constable, churchwarden, overseer, petty constable, headborough, tithingman, or other parish or town officer, for every wilful neglect or default in the execution of any warrant, order, or precept, to them or any of them directed in pursuance of this act, a fine not exceeding

Commissioners may levy a fine, not exceeding 10l. on gaoler for escape of men, and on parish officers for neglect of duty.

ceeding ten pounds; and to cause every such fine to be levied by distress and sale of the offender's goods, rendering the overplus (if any be) to the owners, and to pay the said fine to the informer or informers.

The second and sixth sections of the articles of war to be read to new raised men,

Commissioners to certify that they are insisted, and that the 2d and 6th sections of the articles of war were read to them, &c.

Names of the men, parish, &c. to be entered in a book.

Attested copy thereof to be transmitted, within 40 days, to the admiralty, &c. on penalty of 10l.

Application of the penalty.

XXXV. And be it further enacted by the authority aforesaid, That the said commissioners, or such of them as shall be present at such meeting for listing of soldiers as aforesaid, shall cause the second and sixth sections of the articles of war, against mutiny and desertion, to be read to every man raised by virtue of this act, in the presence of the said commissioners; and the said commissioners shall tender to every such man the oath directed by the third section of the articles of war to be taken by such persons as voluntarily enter into his Majesty's service, (which oath the said commissioners are hereby authorized to administer;) and the said commissioners, or any three of them present, shall and they are hereby required forthwith to certify, under their hands, that such person or persons is or are duly insisted; setting forth the name and parish, or last place of abode, of him or them respectively, if known, and that the second and sixth sections of the articles of war against mutiny and desertion, were read to him or them, and that he or they had taken the oath mentioned in the said articles of war, or had refused to take the said oath, and shall deliver such certificate, together with such men, to the said officers or persons appointed to receive them; and that it shall and may be lawful for such officer or officers to confine such person or persons until he or they shall take the said oath; and such person or persons shall be deemed and taken to be insisted to all intents and purposes whatsoever, and shall and may be proceeded against as if he or they had taken the said oath according to the said articles of war; and the said commissioners shall also forthwith cause an entry or memorial to be made, in a book or books to be kept by them or their clerks for that purpose, of the names of such new-raised men, of the parishes or places of their last abode, (if they can be known,) and of the time and place when and where such men were delivered to the said officers or persons appointed to receive them, and the names of the officers or persons who received them, and for what regiment or company they were so received, and the sums paid; and shall cause true copies or duplicates of such entries, attested by the said commissioners, or any three or more of them then present, within forty days after the delivering such men as aforesaid, to be transmitted into the office of the admiralty, or of his Majesty's secretary at war for the time being; and every clerk, for every neglect or default in not transmitting the said copies or duplicates of such entries into the office of the admiralty, or of the secretary at war, as aforesaid, shall forfeit the sum of ten pounds; one moiety thereof to the use of his Majesty, his heirs and successors, and the other moiety to such person or persons who shall inform or sue for the same in some of the courts of record at *Westminster*, or the court of sessions in *Scotland*.

XXXVI. And

XXXVI. And be it further enacted, That the said several clerks to the said commissioners, provided the said copies or duplicates be truly transmitted into the office of the admiralty or secretary at war, as aforesaid, shall have and receive, by the hands of the paymaster of his Majesty's land forces and marines, or one of them, such rewards as the lord high treasurer or commissioners of the treasury for the time being, upon consideration of the numbers of men listed in the several counties, cities, boroughs, or other places, and the pains and charges of the several clerks in this service, shall judge the said clerks severally and respectively to deserve.

Rewards for
commissioners
clerks.

XXXVII. And be it further enacted, That the several officers who shall receive impressed men raised in the manner herein-before mentioned, shall pay to the clerk appointed by the commissioners, for the use of the officers of the parish or town so employed in the raising such men, for their pains and services therein, twenty shillings of lawful money of *Great Britain* for every man so impressed; and shall also pay, for every such man who shall have a wife or family, any sum not exceeding forty shillings, nor less than ten shillings, of lawful money of *Great Britain*, to the said clerk, to be by him paid over, as is herein-after directed, into the hands of the church-wardens or overseers of the poor, for the benefit of such parish or township in which such man shall have gained a settlement, and whose wife or family, may become chargeable to such parish or township respectively; which sum shall be settled by the commissioners present at the meeting when such person shall be enlisted or entered, or any three or more of them, regard being had to the number of children, or other particular circumstances of such person so enlisted; for both which payments the clerk shall give a receipt; and the sum of sixpence *per Diem* for keeping every such man who shall be so delivered as aforesaid, according to the number of days that the officers of the said parish or town shall have kept him in custody, pursuant to the powers granted by this act, until such delivery; the said allowances of twenty shillings, and of sixpence *per Diem*, in case of dispute, to be ascertained and distributed to or among the said churchwardens, overseers, constables, headboroughs, tything-men, and such other parish and town officers, or any of them, according to the judgement and discretion of the said commissioners, or the major part of them then present.

Officers to pay
to the parish
officers, for
their trouble,
20s. for every
such man;

and to the
churchwar-
dens, &c.
from 10s to
40s. if such
man have a
wife or family.

as shall be set-
tled by the
commission-
ers;

and 6d. per
Diem to the
parish officers
for the time
they shall have
kept him.

Disputes rela-
ting thereto to
be settled by
the commis-
sioners.

XXXVIII. Provided always, and be it further enacted by the authority aforesaid, That the said commissioners, or any three or more of them, in their respective divisions, are hereby authorized and empowered, by and out of the said sum of twenty shillings, herein-before directed to be paid for the use of the officers of the parish or town so employed in the raising of such men, to allot and order such sum as they shall think fit to the respective high constables, within their respective limits and jurisdictions, for their pains and service in the execution of this act, not exceeding the sum of two shillings.

Commission-
ers may allot,
out of the mo-
ney allowed
to parish offi-
cers, 2s. to the
high consta-
bles.

Every person voluntarily enlisting himself entitled to 3l. 3s. bounty-money.

Volunteers to be delivered over to the military officers; and an entry to be made of their names, places of abode, &c.

Duplicates of entries to be transmitted to the war-office, &c.

Volunteers to receive pay from the time of their entering;

and to be discharged at the end of three years, or of the war, if they demand it.

Volunteers, after expiration of their service, not liable to statute duty, or to serve parish offices, or in the militia;

XXXIX. And, for the encouragement of fit and able persons voluntarily to enter into his Majesty's service, be it enacted, That every such person who shall, on or before the first day of May, one thousand seven hundred and eighty voluntarily enter into his Majesty's service, before the said commissioners, at their first or any subsequent meeting, upon being duly attested, shall receive the sum of three guineas from the officers appointed to receive them, and shall forthwith be delivered to the said officers; and the said commissioners shall cause an entry to be made in some book to be kept by them, or such clerk as they shall appoint, of the names of such volunteers, and of the parishes or places of their last abode, (if they can be known,) and of the time and place when and where they did so enter themselves, and of the sums paid to them, and by whom such payments were made, and of the names of the officers or persons who received such volunteers, and for what regiment or company they were received; and shall cause true copies or duplicates of such entries, attested by three or more of the said commissioners then present, within forty days after the delivery of such volunteers, to be transmitted into the office of his Majesty's secretary at war for the time being, or into the office of the admiralty if the volunteers be delivered for the marines.

XL. And, for the greater encouragement of all persons who shall be fit and willing to serve his Majesty as volunteers, be it further enacted by the authority aforesaid, That the pay of every such person who shall enter into the service of his Majesty as a volunteer, in pursuance of this act, or with any recruiting officer or serjeant, during the continuance of this act, shall commence from the time that he shall so enter himself into his Majesty's service; and that every such volunteer, after he shall have continued in the military service of his Majesty, his heirs and successors, during the space of three years, shall be at liberty, if he shall think fit, to demand his discharge from the colonel or commanding officer of the regiment or company to which he shall belong, unless the nation shall be then engaged in a war, and in that case such person shall remain in service, during the continuance of war; and such discharge shall be granted to him *gratis*, in writing, under the hand of such colonel or commanding officer, who is hereby required and empowered to give the same accordingly, on pain of being cashiered.

XLI. And it is hereby further enacted, That no person who shall enter into the service of his Majesty as a volunteer in pursuance of this act, or with any recruiting officer or party during the continuance of this act, and shall not desert the same, shall, at any time after the expiration of such military service, be liable in his person to do any highway duty, commonly called *Statute duty*, or be appointed to serve as a peace officer, or parish officer, or be liable to serve in the militia, or in any of his Majesty's land or sea forces, unless he shall consent there-

to; and that every such volunteer, after such military service as aforesaid, shall have the like privilege in respect of setting up and exercising any trade, and of not being removeable, unless he shall become actually chargeable, as by the statute, made in the third year of the reign of his present Majesty, intituled, *An act to enable such officers, mariners, and soldiers, as have been in the sea or land service, or in the marines, since the twenty-second year of his late majesty King George the Second, to exercise trades*, is given to those who have served according to the said recited act; and all other the benefits and advantages therein expressed shall extend, and be construed to extend, to all such volunteers, and also the wives and children of such volunteers as aforesaid, to all intents and purposes, as if the said act, and every clause thereof, were here again particularly repeated and re-enacted.

XLII. And be it further enacted, That if any volunteer shall be wounded or maimed in actual service, so as to become unfit for military duty, and shall be discharged on that account at any time before the expiration of the term for which he was engaged to serve, the same shall be expressed in the discharge given him, under the hand and seal of his commanding officer; and every person so discharged shall be intitled to the same privileges, benefits, and advantages, of every kind whatsoever, as if he had continued for the full term of his engagement in the service of his Majesty, his heirs and successors; any thing contained in this or any other act to the contrary thereof notwithstanding.

XLIII. And be it further enacted, That every person who shall be impressed in pursuance of this act, after he shall have continued in the military service of his Majesty, his heirs and successors, during the space of five years, shall be at liberty, if he shall think fit, to demand his discharge from the colonel, or, in his absence, the officer commanding the regiment or company to which he shall belong, unless the nation shall be then engaged in a war, and in that case such person shall remain in service during the continuance of war; and such discharge shall be granted to him *gratis*, in writing under the hand of such colonel or officer, who is duly empowered and required to give the same accordingly; any thing herein contained to the contrary notwithstanding.

XLIV. And, for the better obviating such frauds and abuses as may be practised in the discharging of soldiers, it is hereby enacted by the authority aforesaid, That no private soldier, who shall be duly enlisted or impressed into his Majesty's service by virtue of this act, shall, during the time such soldier continues in *Great Britain*, be discharged from his Majesty's service without the consent of the colonel, or, in his absence, the officer commanding the regiment, first had and obtained in writing; and any officer of his Majesty's land forces, marines, or sea service, who shall presume to discharge any person, enlisted or impressed pursuant to this act, in any other manner contrary to this act, or shall by false muster or certificate, or in consideration of a

but may set up and exercise any trade, agreeable to Act. 3 Geo. 3.

Volunteers discharged before the expiration of their term of service, on account of wounds received in actual service, to be intitled to the same privileges as if they had served their full term.

Impressed men, after 5 years service, to be discharged, if they demand it.

No soldier or marine to be discharged without a certificate from his colonel, etc.

Officers discharging new-raised men contrary to this act, or

gratuity

permitting
them to avoid
actual service,
shall be ca-
shiered.

gratuity of any kind, or by any other collusive or evasive ways or means whatsoever, suffer or permit any person who shall voluntarily enlist, or be impressed into his Majesty's service by virtue of this act, to avoid the actual service hereby intended, such person or persons shall not only lose the benefit of this act, but every such officer shall, for such offence, be cashiered.

When any
new raised
man shall
join his regi-
ment, his
name, de-
scription &c.
shall be enter-
ed in the pub-
lick book.
thereof;

XLV. And, for the better preventing such frauds and abuses as may be practised by any pretended ignorance of the terms under which any non-commission officer or soldier may have entered into the service, be it enacted by the authority aforesaid, That whenever any person, who shall be duly enlisted or impressed into his Majesty's service during the continuance of this act, shall join the regiment or company in which he is to serve, his name, description, and terms of service, shall be entered in the public book of such regiment or company; and a copy of such entry shall be delivered, as a certificate for every such person, signed by the commanding officer of such regiment or company.

and when
draughted
into any other
regiment or
company, to
be entered
accordingly.

XLVI. And be it further enacted by the authority aforesaid, That whenever and as often as such person shall, by the necessity of the service, be draughted into any other regiment or company, the entry shall be made in the same manner in the public book of such regiment or company; and the commanding officer thereof is hereby directed to add to the certificate the circumstance of such person being draughted, and at what time, and to sign his name and rank thereto.

Persons em-
ployed in the
execution of
this act, ex-
empted from
the penalties
of acts
25 Car. 2.

XLVII. And be it further enacted by the authority aforesaid, That no commissioner, churchwarden, overseer, constable, headborough, tithingman, or other parish or town officer, who shall be employed in the execution of this act, shall be liable, for or by reason of such execution, to any of the penalties mentioned in an act, made in the twenty-fifth year of the reign of King Charles the Second, *for preventing dangers which may happen from popish recusants*; or in one other act, made in the first year of the reign King William and Queen Mary, intitled, *An act for abrogating the oaths of allegiance and supremacy, and appointing other oaths*; or in one other act, made in the parliament holden in the thirteenth and fourteenth years of the reign of the late King William the Third, intituled, *An act for the further security of his Majesty's person, and the succession of the crown in the protestant line; and for the extinguishing the hopes of the pretended prince of Wales, and all other pretenders, and their open and secret abettors*,

1 Gul. & Mar.

and 13 & 14
Gul. 3.

Limitations of
actions.

XLVIII. And be it further enacted by the authority aforesaid, That if any action, plaint, suit, or information, shall be commenced or prosecuted against any person or persons for what he or they shall do in pursuance or execution of this act, the same shall be commenced within six months after the offence committed, and shall be laid or brought in the county or place where the fact was committed, and not afterwards or elsewhere; and such

such person or persons sued, in any court whatsoever, shall and may plead the general issue not guilty, and upon any issue joined may give this act and the special matter in evidence; and if the plaintiff or prosecutor shall become nonsuit, or forbear further prosecution, or suffer a discontinuance, or if a verdict or judgment upon demurrer pass against him, the defendant shall recover treble costs, for which he shall have the like remedy as in any case where costs by the law are given to defendants.

General issue.

Treble costs.

XLIX. And be it further enacted by the authority aforesaid, That the statute made in the twenty-fourth year of the reign of his late majesty King George the Second, intituled, *An act for the rendering the justices of the peace more safe in the execution of their office, and for indemnifying constables and others acting in obedience to their warrants*, so far as the said act relates to the rendering the justices more safe in the execution of their office, shall extend, and be construed to extend, to the justice or justices of the peace, and the commissioner or commissioners acting under the authority, or in execution of this act; and no action or suit shall be had or commenced, or writ issued out, or copy of writs served upon any peace officer or officers, or any other person or persons, for any thing done in the execution of this act, until notice in writing shall have been given to him or them, or left at his or their usual place of abode, by the attorney for the party commencing such action, or suing out or serving the copy of the said writ; which said notice in writing shall contain the name and place of abode of the person who is to bring such action, together with the cause of action or complaint, and the name and place of abode of the said attorney shall be underwritten or indorsed thereon; and such defendant or defendants shall be at liberty, and may by virtue of this act, at any time within fourteen days after such notice, tender, or cause to be tendered, any sum or sums of money, as amends for the injury complained of, to the party complaining, or to the said attorney; and if the same is not accepted of, such defendant or defendants may plead such tender in bar of such action or actions, together with the general issue, or any other plea, with leave of the court; and if, upon issue joined upon such tender, the jury shall find the amends tendered to have been sufficient, the said jury shall find a verdict for the defendant or defendants, who shall in such case be intitled to his and their treble costs.

Act 24 Geo. 2. so far as it relates to justices, extended to justices and commissioners acting under authority of this act.

No action to be commenced, &c. for any thing done in execution of this act, till notice in writing shall be given to the party.

Defendant may tender amends for injury complained of, and plead the same in bar, &c.

L. And be it further enacted by the authority aforesaid, That if any action shall be brought against any justice of the peace, commissioner, or other officer, employed in the execution of this act, in that part of *Great Britain* called *Scotland*, the person instituting such action shall, previous to the commencement thereof, intimate by himself, or his agent or attorney, his said intention, and grounds of complaint, so as that the justice, commissioner, or other officer, may have opportunity of making due amends for the injury intended to be prosecuted; and if the said justice, commissioner, or other officer, shall make it

No action to be brought in Scotland on account of executing this act, till notice has been given to the party offending, who may tender amends, &c.

appear,

appear, to the satisfaction of the judge before whom the action is brought, that such due amends was tendered and refused previous to the commencement of the action, the said judge shall give decree for the defender, who shall, in such case, be intitled to treble costs of suit.

Where the defendant had probable cause for doing the action complained of, the plaintiff not intitled to damages nor costs :

LI. Provided always, and be further enacted by the authority aforesaid, That where a verdict shall be given for the plaintiff, in any action to be brought against any justice of the peace or commissioner, or any peace officer or other person, for seizing, taking, imprisoning, or detaining, such plaintiff in execution of this act, under colour of any authority or authorities hereby given, and it shall appear to the judge or court, before whom the same shall be tried, that there was a probable cause for doing the act complained of in such action, and the said judge or court shall certify on the record that there was probable cause, as aforesaid ; then, and in such case, the plaintiff shall not be intitled to above two-pence damages, nor to any costs of suit.

but if the cause of action was maliciously committed, he shall have double costs.

LII. Provided always, That where a verdict shall be given for the plaintiff in any such action as aforesaid, and the judge or court, before whom the cause shall be tried, shall certify on the record, that the injury for which such action was brought was wilfully and maliciously committed, the plaintiff shall be intitled to double costs of suit.

His Majesty, when a sufficient number of men shall be raised, may, by proclamation, &c. suspend the execution of this act ;

LIII. And be it further enacted, That when his Majesty shall be satisfied, by the said returns of the commissioners or otherwise, that a sufficient number of recruits in the whole shall be raised for his present service, or for other sufficient reasons, it shall be lawful for his Majesty to suspend or revive the execution of this act, with respect to the whole of *Great Britain*, or any part thereof, by proclamation or order in council, or other public notice in the *London Gazette*, or by notice from his Majesty's secretary at war ; any thing herein contained to the contrary notwithstanding.

or may suspend or enforce it in any county or place.

LIV. Provided also, That his Majesty, when he shall judge it expedient for his service, may at any time suspend the execution of this act, in any county or place of *Great Britain*, by notice from his Majesty's secretary at war ; any thing herein contained to the contrary notwithstanding.

Volunteers to enjoy all their privileges, &c. notwithstanding such suspension.

LV. Provided always, and be it further enacted, That all persons who shall enter as volunteers during the continuance of this act, shall be intitled to the same bounties, privileges, immunities, and advantages, as are herein granted to such volunteers, notwithstanding any such suspension as aforesaid.

Chief magistrate of cities, upon notice from the secretary at war, to enforce this act within their jurisdiction.

LVI. And whereas it may often be expedient, for his Majesty's service, that the commissioners hereby appointed shall execute this act in cities, towns, or other places, when it may not be convenient to enforce the execution thereof through the county in which such city, town, or place, shall be respectively situate ; be it therefore enacted by the authority aforesaid, That the mayor or other chief magistrate of any city, town, or place, shall, upon receiving notice

notice for that purpose from the secretary at war, immediately proceed to put this act in execution, within their respective jurisdictions, in the same manner, to all intents and purposes, as if such mayor or other chief magistrate had received such notice from the sheriff of the county in which such city, town, or place, shall be respectively situate; any thing in this act contained to the contrary notwithstanding.

LVII. And, forasmuch as great inconveniences may happen by impressing men during the time of harvest, be it therefore enacted by the authority aforesaid, That, from and after the twenty-fifth day of *May*, one thousand seven hundred and seventy-nine, until the twenty-fifth day of *October* following, no harvest labourer, or person working at hay harvest or corn harvest work, within the time aforesaid, within the kingdom of *Great Britain*, shall be impressed by virtue of this act, but shall be free and exempted from the same, during the time aforesaid, provided they have a certificate, under the hands of the minister, and of one church-warden or overseer of the poor, or elders of the parish or place where they live, allowed under the hand and seal of one justice of the peace of the same county, shire, stewartry, riding, city, or place; which certificate shall be given *gratis*.

Labourers, having proper certificates, not liable to be impressed from May 25, to Oct. 25.

LVIII. And, for the more easy and better putting this act into execution, be it enacted by the authority aforesaid, That any three or more commissioners for putting this act in execution in the several ridings of the county of *York*, (being justices of the peace, though not all of the same riding), may, within the castle of *York*, or limits thereof, execute the powers of this act.

Commissioners for executing this act within the castle of *York*.

LIX. And whereas divers soldiers who have deserted his Majesty's service, have been harboured in a certain place called *Threapwood*, lying within or near the counties of *Chester* and *Flint*, or one of them, and adjoining to the town of *Cuddington*, in the said county of *Chester*, be it further enacted by the authority aforesaid, That the commissioners hereby appointed for the county of *Chester*, and the officers of the said town of *Cuddington*, shall execute this act in the said place called *Threapwood*, according to the true intent and meaning thereof.

Commissioners for executing this act in *Threapwood*.

LX. And be it further enacted by the authority aforesaid, That this act, and every thing therein contained, shall be and continue in force until the first day of *May*, one thousand seven hundred and eighty, and no longer.

Continuance of this act.

LXI. And be it further enacted, That the forms of proceedings relative to the several matters contained in this act, which are set forth and expressed in the schedule hereunto annexed, shall be used upon all occasions, with such additions and variations only as may be necessary to adapt them to the particular exigencies of the case; and that no objection shall be made or advantage taken for want of form in any such proceedings by any person or persons whomsoever,

Forms of proceedings to be used as set forth in the schedule.

The SCHEDULE,

(stating the Forms) to which the Act refers.

No. I.

Form of a Warrant to a High Constable.

To

High Constable of

To wit. } WE, whose names and seals are hereunto set,

of the commissioners appointed (among others) to put in execution an act of parliament, passed in the nineteenth year of the reign of his present majesty King George the Third, intituled, [insert the title of the act] do, by virtue and in pursuance of the said act, hereby strictly enjoin and require you, upon receipt hereof, to issue your precept to the churchwardens, overseers of the poor, petty constables, headboroughs, tithingmen, and other parish and town officers, within the several parishes, townships, constablewicks, and other places, within the district or division of [] aforesaid, and every of them, requiring them diligently to make or cause to be made a general search within their respective parishes, townships, constablewicks, or other places, for all such able-bodied idle and disorderly persons, as do not exercise and industriously follow some lawful trade or employment, or have some substance sufficient for their support and maintenance, or who shall appear to them to be able-bodied idle and disorderly, and not to exercise and industriously follow some lawful trade or employment, or have some substance sufficient for their support and maintenance; and all able-bodied persons who shall have been convicted, before any justice or justices of the peace, of illegally lading, running, unshipping, concealing, or carrying, prohibited goods, wares, or merchandizes, or any foreign goods liable to the payment of the duties of customs or excise, the same duties not having been paid or secured, or of aiding or assisting therein, in any penalty not exceeding forty pounds; and to bring them before us, or such other commissioners for putting the said act in execution as shall meet for that purpose at in the parish of within the said district or division, on the day of at of the clock in the every such person as they shall find, or who are or shall appear to them to be within the above description, to be then and there examined and disposed of according to the said act of parliament.

Given

Anno decimo nono GEORGII III. c. 10. [1779.]

Given under our hands and seals, at the day of in the year of the reign of our sovereign lord George the Third, King of Great Britain, &c. and in the year of our Lord.

No. II.

Form of conviction of offenders against this act.

To wit. } *BE it remembered, That on this day of in the year of the reign of his present majesty King George the Third, A. B. of is duly convicted before us, and other commissioners for putting in execution an act of parliament, made and passed in the nineteenth year of the reign of his present majesty King George the Third, intituled, [insert the title of the act] for that he, the said A. B. on the day of last, did*

Wherefore we, the said commissioners, do adjudge, that he, the said A. B. do pay the sum of as a fine for such offence, in pursuance of the powers in us vested by the said act of parliament.

Given under our hands and seals, the day and year above written.

No. III.

Form of a warrant of distress.

To wit. } *To Orasmuch as A. B. late of was, on the day of duly convicted before us and other commissioners for putting in execution an act of parliament, made and passed in the nineteenth year of the reign of his present majesty King George the Third, intituled, [insert the title of the act] by the oath of C. D. a credible witness, for that he the said A. B. on the day of last, did by reason whereof we did adjudge and have adjudged him to pay the sum of as a fine for such offence, in pursuance of the powers in us vested by the said act of parliament: and whereas it appears to us that the said sum of is not yet paid, we therefore authorise and require you forthwith to make distress of the goods of him the said A. B. and if, within the space of five days next after such distress by you taken, the said sum of shall not be paid, that you do cause the said*

goods by you seized to be appraised and sold, rendering the overplus to him the said A. B. after deducting the said sum of *and also the costs and charges of such distress and sale, and to pay the said fine to the informer. Hereof fail not.*

Given under our hands and seals, the day of

No. IV.

Form of commitment by a justice for examination before the commissioners.

To

To wit. { **R** Eceive into your custody the body of A. B. herewith sent you, having been impressed by C. D. by virtue of a warrant to him directed by E. F. G. H. and I. K. three of the commissioners for putting in execution an act of parliament passed in the nineteenth year of the reign of his present majesty King George the Third, intituled, [insert the title of the act] to serve his Majesty as a soldier or a seaman, and brought before one of his Majesty's justices of the peace in and for the said county, by the said C. D. to be examined; and the said A. B. being adjudged by me to be within the description of the said act, him safely keep in your custody till he shall be conveyed before the said commissioners for executing the said act, at their next meeting, or until he shall be thence discharged by due course of law; and for so doing this shall be your sufficient warrant.

Given under my hand and seal, this day of
in the year of our Lord

No. V.

Form of a warrant to secure men impressed.

To wit { To the keeper of the gaol (or house of correction, at in the said county.

T H E S E are, in his Majesty's name, to charge and command you to receive and safely keep in your custody *who has (or have) been raised and levied to serve his Majesty as a soldier (or soldiers), pursuant to an act of parliament made in the nineteenth year of the reign of his present Majesty, intituled, [here insert the title] until he (or they) shall be delivered from your custody according to the said act of parliament.*

Given under my hand and seal (or our hands and seals), the day of
in the year of our Lord

C A P. XI.

An act for rendering more beneficial an act, made in the thirty first year of the reign of King George the second, intituled, *An act for establishing agreements made between Charles Branding esquire, and other persons, proprietors of lands, for laying down a waggon way, in order for the better supplying the town and neighbourhood of Leeds in the county of York, with coals, by enabling the said Charles Branding to supply, annually, a larger quantity of coals to and for the use of the said town and neighbourhood; and for regulating the prices of carrying coals from the repository at Casson close.*

C A P. XII.

An act for repairing the highways and bridges in the county of Linlithgow and Bathgate.

C A P. XIII.

An act for the better relief and employment of the poor, within the several hundreds of Hartsmeire, Hoxne, and Thredling, in the county of Suffolk.

C A P. XIV.

An act for the better supply of mariners and seamen to serve in His Majesty's ships of war, and on board merchant ships and other trading ships and vessels.

Preamble.

From the passing of this act till March 25, 1780, merchant ships, &c. may be navigated by three-fourths foreign seamen.

FOR the better supply of mariners and seamen to serve in his Majesty's ships of war, and on board merchant ships, and other trading ships and vessels; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that, from and after the passing of this act, until the twenty-fifth day of *March*, one thousand seven hundred and eighty, and no longer, (except in respect to such merchant ships, and other trading ships or vessels, which shall be on their voyage before the said twenty-fifth day of *March*, one thousand seven hundred and eighty, who shall be, and are hereby allowed the liberty and benefit of returning home navigated in the manner as herein-after is provided,) it shall and may be lawful for any merchant ship, or other trading ship or vessel, to be navigated by foreign seamen or mariners, not being natives of *Great Britain*, or of any of the colonies or plantations thereto belonging, or his Majesty's natural or naturalized subjects, so as the number of such foreign seamen or mariners do not exceed three-fourths of the mariners at any one time employed to navigate such merchant ship, or other trading ship or vessel, and that one fourth at least of the mariners or seamen so employed, be at all times natives, or his Majesty's naturalized subjects of *Great Britain*, (sudden death, and hazard and casualties of war, and the seas, saved and excepted,) one act of parliament, made in the twelfth year of the reign of his late majesty King *Charles* the second, (intituled, *An act for the encouraging and encreasing of shipping and navigation*,) or any other statute or law, to the contrary notwithstanding.

II. Provided

II. Provided always, That nothing in this act contained shall extend to take away or restrain the effect of any such royal proclamation, as his Majesty, his heirs and successors, are empowered to make by virtue of an act, passed in the thirteenth year of his late Majesty's reign, (intituled, *An act for the better supply of mariners and seamen, to serve in his Majesty's ships of war, and on board merchant ships and other trading ships and privateers.*)

This act not to restrain any royal proclamation to be made pursuant to an act 13 Geo. II.

C A P. XV.

An act to continue an act, made in the fourteenth year of the reign of his present Majesty, (intituled, An act for regulating mad-houses,) for a further time therein limited.

WH E R E A S an act was passed in the fourteenth year of the reign of his present Majesty, intituled, An act for regulating mad-houses: And whereas it is expedient that the said act should be continued for a further time; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said act shall continue in force for the further term of seven years, and from thence to the end of the then next session of parliament.

Preamble.

Act 14. Geo. III. recited.

and further continued for seven years.

C A P. XVI.

An act for punishing mutiny and desertion; and for the better payment of the army and their quarters.

Preamble. Number of forces 30,146, including 3,213 invalids. After March 24, 1779. during the continuance of this act, every officer and private man, who shall mutiny or desert, &c. or list in any other regiment, &c. or shall be found sleeping upon, or shall desert his post, or hold correspondence with the enemies of his Majesty; or shall strike or disobey his superior officer; shall suffer death, or such punishment as a court-martial shall inflict. The King may grant a commission for holding courts-martial, &c. Courts martial may inflict corporal punishment for immoralities, &c. General court martial not to consist of less than 13; (except within the garrisons of Goree and Senegal, &c.) and the president to be a field officer, or officer next in seniority, not under the degree of a captain; (except in the garrisons of Goree and Senegal, where they are to consist of five at the least,) may administer an oath to witnesses. Officers to be sworn. Judge's charge before oath. The oath. The judge-advocate to be sworn. The oath. In sentences of death, what number of officers shall concur, &c. Hours of trial. Deserter may be adjudged to serve in any corps abroad for life, or for a term of years; but returning without leave before expiration of such term, he shall suffer death. The party tried intitled to a copy of the sentence and proceedings of the court-martial. Original proceedings, &c. of courts-martial to be transmitted to the judge-advocate general in London, &c. Proceedings of courts, or entries, or copies thereof, not liable to stamp-duties. None to be tried a second time for the same offence, except in case of appeal. This act not to exempt soldiers from ordinary proceedings. Penalty on false certificates to excuse soldiers from musters. Penalty on officers making false musters, &c. Fictitious names allowed by his Majesty's order upon the muster-rolls for the maintenance of officers widows, not to be construed a false muster. Commissary or muster-master to give notice of muster to mayor, &c. on penalty of 50l. Muster-rolls to be signed by the mayor, &c. Penalty on persons

persons offering themselves to be falsely mustered. Horses falsely mustered, to be forfeited, &c. Forfeiture how to be levied. Officers embezzling, &c. military stores, to be cashiered, and forfeit 100l. and the damage to be made good by sale of his goods and chattels; for want of distress, the person to be committed. Application of the forfeiture. Muster-master, &c. taking a muster, to make oath. The oath. Muster-rolls, though transmitted without the oath indorsed to the paymasters general, to be good vouchers to the auditor. Penalty on agents, &c. detaining officers or soldiers pay. Weekly rates. Penalty on agents disobeying of orders. Surgeon, &c. within ten miles of London, &c. to certify who are sick; and commanding officers to certify who are employed in raising recruits. Penalty on officer mustering persons by wrong names. Constables, &c. to quarter officer and men in inns, alehouses, &c. but in no distillers or shopkeepers houses, or in any private houses. Penalty on constables, &c. quartering soldiers in private houses, &c. Penalty on officers quartering soldiers contrary to this act, &c. Persons aggrieved by being quartered on, may complain to any justice, and be relieved. No justice having any military office to be concerned in billeting his soldiers. Officers and soldiers to pay rates for their provisions. What innholders may allow men quartered on them instead of meat. Penalty on taking money to excuse any person from quartering. Dragoons, &c. and their horses to be billeted in the same houses. Manner of changing men and horses. Clause relating to a soldier's settlement for his wife and children. Officers, &c. to be quartered in Scotland as the laws in force at the union direct. No paymaster, &c. to make deductions out of officers or private men's pay. Exception. Treasury may issue out the money due for clothing every two months. Paymasters to deduct the offreckonings. Officers to give notice to innkeepers of subsistence-money in their hands. Rates of subsistence to be paid to innkeepers, &c. for soldiers quarters. Penalty on officers not paying subsistence-money. On nonpayment of quarters, the officer to make up accounts, &c. No muster in Westminster, &c. but in the presence of two or more justices. Constables, &c. may billet soldiers in Westminster, &c. Petty constables, &c. to quarter soldiers in their respective divisions. Constables, &c. to deliver lists at quarter sessions, on oath of inhabitants, and soldiers quartered in their respective divisions; to be inspected without fee. Copies of such lists to be wrote by the clerk at 2d per sheet, containing 150 words. Penalty on default. Penalty on giving defective lists. How to be levied. This act to extend to Jersey, &c. Muster-rolls to be closed on the day of the muster, and returned to the paymaster of the forces, &c. Penalty. Justices may order constables to provide carriages. Rates for carriages. Penalty on officers forcing waggons to travel more than one day's journey, &c. Penalty on constables &c. Neglect. Treasurers of the county to repay the constable's extraordinary charges. The money for that purpose how to be raised. No waggon &c. to carry above 30 hundred weight. Carriages in Scotland how to be provided. Soldiers wives, &c. not to be quartered without consent. Penalty. Penalty on officers or soldiers destroying the game. How the account of every regiment shall be kept. Penalty on paymasters, &c. Penalty on colonels. Non-commission officer embezzling soldiers pay, &c. to be reduced, &c. Justices may commit deserters. Steward for taking up deserters. Penalty on persons concealing deserters, or receiving their arms, clothes, &c. Penalty on officer breaking open any house without warrant. His Majesty empowered to make articles of war. None to be adjudged of life or limb, but for crimes expressed to be so punishable by this act. Deserters beyond sea, &c. may be tried here, or in Ireland, &c. This act to extend to deserters, &c. in Ireland, &c. Persons acquitted, &c. by the civil magistrate, may only be cashiered by a court-martial. Persons accused of capital crimes, &c. to be delivered over to the civil magistrate, &c. Paymasters, &c. to account with executors. Persons sued may plead the General issue, Treble costs. All suits to be brought in some of the courts of record at Westminster or Dublin, or the court of session in Scotland. Continuance of this act. Penalties against an act Geo. I. where to be sued for. No volunteer liable to process, unless

less for some criminal matter, or unless for a real debt of the value of 10l. Oath of the debt to be made before a judge, and a memorandum thereof marked on the back of the process. Plaintiff may file a common appearance. Soldiers while confined for debt, not to receive pay. Penalty on constables, &c. taking money to excuse any person from quartering; and on victuallers refusing to quarter soldiers. Justices may order constables to give an account of the number of soldiers quartered, &c. How the troops are to pay in passing over ferries in Scotland. Clause for relief of persons hastily enlisting themselves. Persons refusing the said relief to be proceeded against as if duly enlisted. Offences against former mutiny acts punishable by this act. None liable to be tried, &c. for offences against former acts, which were committed three years before issuing the warrant for trial; except for desertion. Officers, &c. of the trains of artillery subject to this act. American troops, acting in conjunction with British forces, liable to the same martial laws. Officers and soldiers of the American troops sent over to great Britain, to be quartered and billeted as the British forces; and under the same regulations and penalties. Where any corps beyond seas shall be relieved in order to return home, such of the men as shall chuse may be enlisted, and incorporated with those appointed to remain; the occasion of quitting such former corps to be recited in the enlisting certificate. This act not to extend to the militia further than is directed by the militia laws. As often as it shall be necessary, officers of the land and marine forces may sit in conjunction upon courts-martial; taking rank according to the seniority of their commissions.

C A P. XVII.

An act to explain and amend an act, made in the twenty-second year of the reign of his late majesty King George the second intituled, An act for amending, explaining, and reducing into one act of parliament, the laws relating to the government of his Majesty's ships, vessels, and forces by sea.

WHEREAS by an act, made in twenty-second year of the Preamble. reign of his late majesty King George the second, intituled, An act for amending, explaining, and reducing into one act Act 22 Geo. of parliament, the laws relating to the government of his Ma- II. recited. jesty's ships, vessels, and forces by sea; it is, among other things, enacted, that from and after the twenty-fifth day of December, one thousand seven hundred and forty-nine, no member of any court-martial, after the trial is begun, shall go on shore till sentence be given, but remain on board the ship in which the court shall first assemble, except in case of sickness, to be judged of by the court, upon pain of being cashiered from his Majesty's service; nor shall the proceedings of the said court be delayed by the absence of any of its members, provided a sufficient number doth remain to compose the said court, which shall, and is thereby required to sit from day to day (Sunday always excepted) until the sentence be given: and whereas it hath been found by experience, that the confining members of courts-martial to the ship in which such courts-martial shall first assemble, until sentence be given, hath been attended with great inconveniences and prejudice to the healths of officers summoned to attend as members of courts-martial; and it is highly necessary and expedient that such inconveniences should be prevented in future; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords

Part of the
said act re-
pealed.

spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that so much and such part of the said recited act as directs that no member of any court-martial, after the trial is begun, shall go on shore till sentence be given, but remain on board the ship in which the court shall first assemble, except in case of sickness, to be judged of by the court, upon pain of being cashiered from his Majesty's service; and that the proceedings of the said court shall not be delayed by the absence of any of its members, provided a sufficient number doth remain to compose the said court, which is thereby required to sit from day to day (*Sunday* always excepted) until the sentence be given, shall be, and the same is hereby repealed and made void, to all intents and purposes whatsoever.

Proceedings
of courts-
martial not to
be delayed by
the absence of
any members,
provided enough
remain to
make a court.

No member
to be absent
except on
some extra-
ordinary oc-
casion.

Two clauses
in the said act
22 Geo. II.
recited,

II. Provided always, and be it enacted, That the proceedings of any court-martial shall not be delayed by the absence of any of its members, provided a sufficient number doth remain to compose such court, which shall, and is hereby required to sit from day to day (*Sunday* always excepted) until the sentence be given; any thing herein-before contained to the contrary thereof in any wise notwithstanding: and no member of the said court-martial shall absent himself from the said court during the whole course of the trial, upon pain of being cashiered from his Majesty's service, except in case of sickness, or other extraordinary and indispensable occasion, to be judged of by the said court.

III. *And whereas by two clauses in the said act, passed in the twenty-second year of the reign of his late majesty King George the second, it is enacted and declared, That every person in the fleet, who through cowardice, negligence, or disaffection, shall, in time of action, withdraw or keep back, or not come into the fight or engagement, or shall not do his utmost to take or destroy every ship which it shall be his duty to engage, and to assist and relieve all and every of his Majesty's ships, or those of his allies, which it shall be his duty to assist and relieve, and being convicted thereof by the sentence of a court-martial, shall suffer death; and also that every person in the fleet, who, through cowardice, negligence, or disaffection, shall forbear to pursue the chase of any enemy, pirate, or rebel, beaten or flying, or shall not relieve or assist a known friend in view, to the utmost of his power, and being convicted of any such offence by the sentence of a court-martial shall suffer death: And whereas the restraining of the power of the court-martial to the inflicting of the punishment of death, in the several cases recited in the said clauses, may be attended with great hardship and inconvenience; be it enacted, That, from and after the passing of this act, it shall and may be lawful, in the several cases recited in the said clauses, for the court-martial to pronounce sentence of death, or to inflict such other punishment as the nature and degree of the offence shall be found to deserve.*

and altered.

C A P. XVIII.

An act for raising a certain sum of money by way of annuities, and for establishing a lottery.

Preamble. 7,000,000 l. to be raised by annuities, and 490,000 l. by a lottery. Contributors to the sum of 7,000,000 l. to be intitled to certain annuities; which shall be charged upon a fund to be established this session, and collaterally upon the sinking fund. Contributors may have the annuity of 3 l. 15 s. *per cent.* for life, instead of for 29 years, upon producing a proper certificate to the auditor of the exchequer before Dec. 21, 1779. Every contributor of 1000 l. shall, upon payment of 70 l. more, be intitled to seven lottery tickets. **Preamble;** reciting that books have been opened at the bank, and deposits made, pursuant to a resolution of the house of commons. All persons who have made deposits, pursuant to the aforesaid resolution, are required to pay the remainder of their subscriptions at certain times specified. Subscribers to the annuities to be allowed interest for all monies paid in advance. Subscribers to the lottery, on paying in the whole of their subscriptions, shall receive tickets to the amount thereof. Subscribers to the 7,000,000 l. intitled to an annuity of 3 l. *per cent.* and also to an annuity of 3 l. 15 s. for 29 years; both payable half-yearly. All contributors who shall pay in the whole of their contribution-money before June 30, 1779, may receive the half year's annuity due July 5, 1779, on the annuity of 3 l. 15 s. when they receive the half year's annuity due on the 3 *per cent.* otherwise they shall not receive the said annuity until Jan. 1780. Annuities to be payable and transferrable at the bank of England, &c. Cashier of the bank to give receipts to contributors for money received; which shall be assignable, &c. Cashier to give security, to the good liking of the commissioners of the treasury; and to pay all monies received into the exchequer. Commissioners of the treasury impowered to apply the money paid in by the cashier. A book to be provided in the accountant-general's office, in which contributors names shall be entered, &c. After contributors shall have paid their subscriptions, they will be intitled to receive the annuities granted by this act; which shall be tax-free. Subscriptions paid in part, and not completed, shall be forfeited to the publick. As soon as contributors have completed their payments, the sums subscribed shall, in the books of the bank, be placed to their credit. Accountant-general, on payment of 50 l. *per cent.* of their contributions, before June 25, 1779, to give credit to the contributors for the annuity of 3 l. 15 s. which shall be transferrable. Certain rates appropriated for payment of the annuities granted by this act. Governor, &c. of the bank to appoint a chief cashier, and accountant general. Monies to be issued at the exchequer to the chief cashier, for payment of annuities created by this act. Accountant general to examine receipts and payments. Annuities to be deemed personal estate. Books to be kept by the accountant-general, wherein shall be entered all transfers of sums advanced on this act. **Method of transferring.** The annuities of 3 l. 15 s. *per cent. per ann.* shall be a separate stock from the other annuities. The annuities of 3 l. 15 s. *per cent.* to be made a joint stock with certain annuities granted, for 30 years by the lottery act of last session. Persons possessed of stock may devise the same by will, &c. Commissioners of the treasury to discharge all incidental charges attending the execution of this act. The 3 *per cent.* annuities granted by this act shall be added to the joint stock of 3 *per cent.* transferrable at the bank, &c. The bank to continue a company till redemption of the annuities. 490,000 l. to be raised by a lottery; the prizes whereof to be paid out of any supplies granted this session. Guardians, having the disposal of infants' money, may contribute to the loan, &c. Contributors, for every 100 l. they shall advance, to be intitled to an annuity of 3 l. 15 s. *per annum* for 29 years, or for life. Life annuities to be paid at the exchequer half yearly. Cashiers of the bank to give certificates to contributors who chuse life annuities, which may be assigned before Dec. 21, 1779. Cashiers to transmit to the auditor of the exchequer a book containing the names of the contributors, &c. Contributors shall de-

liver their certificates to the auditor, before Dec. 22, 1779, to be exchanged for orders, and name their nominees. Auditor to cause orders for payment to be made out as soon as convenient, which shall be signed by the commissioners of the treasury. Books to be kept in the offices of the auditor and clerk of the pells, containing the names of the contributors, &c. Part of the money to arise from the new duties to be set apart for the annuities on lives. On death of nominees, annuities to cease. Life annuities may be transferred. Transfer to be entered at the exchequer. When contributors, &c. demand payment of their annuities in the absence of their nominees, they must produce certificates of their being alive on the day when the respective half yearly payments become due. What certificate necessary when the nominee resides in England or Wales. Penalty on forging certificates, &c. What certificate necessary when the nominee resides in Scotland or Ireland; or in parts beyond the seas. Penalty on persons receiving a half yearly payment for any time after the death of their nominee. Contributors, within a month after notice of the death of their nominee, to certify the same to the auditor of the exchequer, &c. on penalty of 10*l*. Annuities to be tax-free. Commissioners of the treasury, on receiving a proper certificate from the chief baron, &c. of the exchequer, may cause new orders to be made in lieu of such as shall be lost, burnt, &c. or defaced; or incumbered with assignments. Clause for preventing frauds relating to standing orders, &c. Offenders to suffer death as felons. No fee to be taken for receiving or paying contribution monies, or for any transfer, &c. Penalty on officers of the exchequer who shall demand any such fee, or misapply the monies, &c. Officers, in certain cases, not to incur any penalty for making wrong payments. If the fund to be established for payment of the annuities should prove insufficient, the deficiency to be supplied out of the sinking fund; which monies shall be replaced out of the next supplies. If the fund shall be more than sufficient to pay the annuities, the surplus to be reserved for the disposition of parliament. Managers and directors of the lottery to be appointed by the treasury. Method of the lottery books. Ticket. Managers to examine the books with the tickets, and deliver them to the cashiers of the bank, taking a receipt for the same. Cashiers to return the books, with the undisposed tickets, with an account of monies paid in. Undisposed tickets to be delivered into the exchequer. Tickets of the middle columns to be rolled up, and fastened with thread or silk; and cut off indentwise into a box marked with the letter (A). Box to be locked up, and sealed. Books to be prepared with two columns, on each of which 49,000 tickets are to be printed. The number and value of the fortunate tickets. 1000*l*. to each first-drawn ticket of the first eight days, and 1000*l*. to the last drawn. Tickets of the last-mentioned books to be rolled up and tied. Publick notice to be given of putting the tickets into the boxes. Lottery to begin drawing on Nov. 13, 1779. Method to be observed in drawing, &c. Number of the fortunate tickets, and the sums to be printed. Disputes to be adjusted by the managers. Penalty on forging tickets, &c. Felony. Offenders, not in prison, discovering persons guilty, to receive a pardon, and 30*l*. reward. Proviso. Managers to be sworn. The oath. Cashier may receive the sums subscribed, before receiving the lottery book, giving a note for the same; which shall intitle the bearer to a ticket for every 10*l*. so paid. Contributors not making good their payments within the times limited, forfeit their deposits with respect to the lottery; and the tickets for such sums to be delivered into the exchequer. Commissioners of the treasury may reward the managers, &c. as they shall think fit. Limitation of the sale of chances, &c. Penalty. Office keepers, &c. selling shares in tickets of which they are not possessed, forfeit 500*l*. and suffer 3 months imprisonment. No person shall keep any office for the sale of tickets, &c. in Oxford or Cambridge, on penalty of 20*l*. Offenders may be prosecuted in the vice-chancellor's court. Forfeitures may be levied by distress, &c. Proceeding not to be removed by *Certiorari*, until sufficient surety is given to prosecute the same with effect, &c. This act not to prejudice the privileges and jurisdictions of the mayor, &c. of Oxford. Offences committed in Ireland against British acts for preventing unlawful

unlawful lotteries, made punishable: Penalties may be sued for in Dublin. The 490,000*l.* for the payment of the fortunate tickets, to be charged on any supplies granted this session; and shall be paid to the proprietors, without any deduction, on March 1, 1780, &c. Managers to give notice of the times for exchanging tickets for certificates. Certificates to be numbered, &c. and signed, &c. No fee to be taken for receiving or paying the contribution monies, or for any receipts, &c. on penalty of 2*0*l.** General issue. Treble costs.

C A P. XIX.

An act for defraying the charge of the pay and cloathing of the militia in that part of Great Britain called England, for one year, beginning the twenty-fifth day of March, one thousand seven hundred and seventy-nine.

Preamble Where the militia is or shall be raised, the receiver-general of the county is to issue four months pay, in advance according to the establishment of pay here set down; with half a year's salary to the regimental and battalion clerks; and the allowances to the clerks of the general and subdivision meetings; and pay for cloathing of the militia. Where pay has not been issued, no pay to be issued till the lord lieutenant, or deputies, shall have certified to the treasury and receivers-general the enrolment of three-fifths of the men and officers. The money is to be paid by the receiver-general to the clerk of the regiment or battalion, (except the allowances to the clerks of the meetings) upon the producing the warrant of his appointment; and for independant companies, to the respective captains, or to their order; according to the establishment laid down in the militia act of 2 Geo. III. A second payment is also to be made within three months after the first, and a third within three months after the second. Receipts of the persons to whom the money shall be so paid, to discharge the receivers-general. The regimental and battalion clerks are to pay in advance one month's pay to the adjutant; and two months pay to each captain for the serjeants, and drummers; and for the serjeant-major and drum-major two months pay to be paid to the commanding officer of the company to which they belong; Captains to distribute the pay accordingly; and account for the same yearly to the clerk, or receiver-general if an independant company, according to the following form; and pay back the surplus monies in his hands. On discharge of serjeants or drummers as unfit for service, no pay to be issued till others are appointed; nor any payment made to such as are discharged by the commanding officer. The clerks are likewise to pay, out of the sums allowed for contingent expences, 1*d.* *per* man for hospital charges; and the sums necessary for the repair of arms, and carriage thereof. Residue to be applied for the benefit of the regiment, &c. as the field officers and captains shall direct. Account of the said sums to be made up yearly &c. Money allowed for contingent expences of independant companies to be applied and accounted for by the captains. Clerk to retain money in his hands for his own salary. When the *ld.* *lieut.* or deputies shall have fixed the days of exercise, they are to certify the same to the receiver-general, specifying the number of men, and days they shall be absent from home. Receiver-general to issue there upon pay for officers and men to the regimental clerk, &c. Where there shall be independant companies only, the receiver-general is to issue pay to the captains, &c. according to the rate here set down. Clerks to pay over the money to the respective captains. Captains to make up their account according to the following form; to be signed by them, and countersigned by the commanding officer, and delivered, with the balance, to the clerk, or receiver-general. Accounts allowed sufficient vouchers. During the time the troops are embodied, and called out into actual service and receive pay as the King's other forces, all pay and allowance from the receivers-general is to cease. Receivers-general to pay the allowances to clerks of the general meetings, and to the clerks of the subdivision meetings, upon producing orders from the lieutenant or

or deputy lieutenants; which order to be a discharge to receivers general, Regimental and battalion clerk to give security for paying and accounting for the monies received by them; the bonds to be lodged with the receivers-general; and put in suit by them on non-performance of the conditions; and they are intitled thereupon to full costs and charges; and 5l. *per cent.* of the money recovered the residue; to be accounted for to the auditor. The regimental and battalion clerks, and captains of independent companies, are to deliver in accounts of their receipts and disbursements. Costs, &c. where to be recovered. No fee payable for any warrant or sum of money issued in pursuance of this act. Officers on half-pay serving in the militia, may receive the subsistence money payable to captains, lieutenants, or ensigns, they taking the following oath before a justice. The oath. Receiver-general, upon receiving a warrant from the commanding officer certifying the receipt of the cloathing, and an order for payment is to pay the same accordingly. If any regiment, &c. shall cease. 3s. *per diem*, is to be paid to the adjutant from such time to March 25 1780.

C A P. XX.

An act for the better raising and securing a fund for a provision for the widows and children of the ministers of the church of Scotland, and of the heads, principals, and masters, in the universities of Saint Andrews, Glasgow, Edinburgh, and Aberdeen; and for repealing two acts made in the seventeenth and twenty second years of the reign of his late majesty King George, the second for those purposes.

Preamble. Act 17 Geo. II. recited. The said act amended by act 22 Geo. II. Ministers now in the church, &c. to continue liable in payment of their rates. Ministers, &c. hereafter admitted to be subject to rates. Proviso Rule for notifying the option of rates. Rule for ministers, &c. making their first payment, and future payments. Rate to be paid on the death of a minister, &c. Ministers, subject to a tax on account of their marriage. Proviso in favour of those who marry annuitants. Time when ordained assistants are subject to rates; and when they shall make their election of rates. Ministers, &c. of 40 years of age at admission, and having children, subject to additional rates. Proviso in case they are then unmarried. Persons holden two offices not subject to an additional rate. Rate payable out of the ann. And where no ann. is competent, by the heirs, &c. Rates payable out of vacancies. Intimation to be made to the patrons of the respective parishes when these rates become due. Time when these rates bear interest. Penalty on presbyteries, &c. neglecting to make intimation. Rates, &c. privileged debts. Application of the money; *viz.* for payment of charges of management; for raising the capital; and for paying the annuities to widows. Rule for computing annuities. Time when annuities shall cease or determine. Children under age intitled to reversion of annuities. Widows marrying ministers, &c. to continue annuitants. Proviso in favour of children under age. Sums to be paid to children whose fathers died widowers. When their provisions are payable. Trustees, in certain cases, to make stoppages from the widows annuities, also from the childrens provisions. Loan of 30l. to be discontinued. Loans already granted to be repaid, with interest. Loans may be repaid upon giving notice thereof. Capital to be raised to 100,000l. Surplusses of the annual produce above the annual expence to be applied for raising the capital, and likewise such 30l. as shall be repaid. No encroachment to be made on the capital, nor the raising thereof retarded. If the capital be diminished how to be made up. Plan to be formed for disposing of the surplus of the fund, after the capital is raised. In what case the said plan may be set aside. Trustees appointed. Ministers in the universities and presbyteries formerly trustees continued, unless they decline the office. Ministers admitted to any office in the universities of St. Andrews, Glasgow, and Aberdeen, &c. to be trustees. Such trustees only to continue during their being in these offices. Each presbytery to elect one trustee. Trustees so elected may refuse to act. Trustees authorized to levy the rates,

rates, &c. Trustees not to employ any part of the capital without consent of the lord president, &c. Quorum of trustees, and meetings appointed. Manner in which the meetings of the trustees are to be called. Former clerk to the trustees established in his office. Succeeding clerks to give security. Former collector established in his office, &c. Proviso: Power to the collector to recover rates. The collector to execute his office of levying and applying the produce of the fund as directed by the trustees. Proviso. Collector to keep a publick office in Edinburgh. Collector to deduct from widows annuities, and childrens provisions, sums due by their deceased husbands or fathers. Collector may appoint deputies. Expenses in recovering sums due from debtors to be paid out of their estates. Lords of council and session to issue letters of horning against Ministers, &c. for compelling payment; and for recovering sums due from vacant benefices and salaries. Collector, or his sureties in case of his death, may recover sums appointed to be made good by him. Resignation of officers to be made to the trustees at one of their stated meetings. Trustees may suspend or remove their officers upon reasonable cause. Vacancies of the office of clerk or collector to be filled up by the trustees, until the meeting of the general assembly. Proviso. One or two may be chosen to execute the office of collector. Notice to be given of election of officers; or such elections to be void. General collector to give security. Presbyteries to make up lists of ministers, &c. admitted to benefices, &c. Proviso in favour of the presbyteries in the isles. Presbyteries, &c. to give certificates to the widows and children. Trustees to make up lists of widows and children intitled to receive annuities and provisions. Trustees to settle the lists of annuitants, &c. and issue warrants for payment, &c. General collector to make payment upon warrants being presented to him. Widows or children to lodge the certificates required. No rewards to be taken by the collector or clerk for delivering warrants. Remedy for widows or children omitted in the lists. If omission not owing to default, trustees may allow interest on their claims. Time limited for making claims upon such omissions. Payments to be made to majors and to tutors for minors. Annuities and provisions to children not liable to arrestment. Trustees to attend stated meetings, or forfeit 2s. 6d. Proviso. Trustees to prepare a state of the fund, and cause the same to be printed. Expence of printing, &c. to be paid by the collector. Collector to exhibit an account of money come to his hands. Annual rates paid by the ministers deemed part of their stipends. Expence of this act to be paid by the collector. Former acts repealed. Publick act.

C A P. XXI.

An act for licensing and regulating lottery office keepers.

Most gracious Sovereign,

WE your Majesty's most dutiful and loyal subjects, the commons of *Great Britain*, in parliament assembled, think it will be for the advantage of the publick, and that it will prevent many fraudulent practices used by persons dealing in lottery tickets, and in shares and chances of lottery tickets, to grant unto your Majesty the duty upon licences, and to establish the several regulations herein-after mentioned; and therefore do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of *April*, one thousand seven hundred and seventy-nine, After April 5, 1779, no person to keep

Preamble.

a lottery-office without a licence.

nine, no person or persons whatsoever shall, publicly or privately, set up, exercise, keep, or open, by himself, or any other person or persons, any office or place for buying, selling, insuring, registering, giving, or otherwise dealing in, any tickets or chances, or parts thereof, or on the number or numbers of any ticket or tickets in any lottery whatsoever, or shall, by writing or printing, publish the setting up or using any such office or place, without first taking out a licence for that purpose, in manner here-after mentioned, before he, she, or they, shall so set up, keep open, or publish, any such office or place as aforesaid.

Each licence to cost 50 l.;

II. And be it further enacted by the authority aforesaid; That, from and after the said fifth day of *April*, one thousand seven hundred and seventy-nine, for every licence to be taken out by any person or persons, for every such office or place used for dealing in or concerning lottery tickets, as aforesaid, there shall be paid unto his Majesty, his heirs and successors, (over and above all other duties, to which the person or persons taking out the same may be respectively liable, as brokers, or otherwise) the sum of fifty pounds, immediately upon taking out such licence; and every such licence shall be granted under the hands and seals of two or more of the managers and directors of the lottery for the time being, and the duty for the same shall be paid at their office in *London*, or at such other place, and to such person or persons, as the said managers and directors shall appoint to deliver out such licences respectively, and to receive the said duties; and they are hereby respectively authorised and required to grant and deliver such licences to all persons applying for the same, upon their payment of fifty pounds for each licence as aforesaid.

and shall be granted under the hands and seals of two managers.

Licence to set forth the name of the person taking out the same, &c. and to continue in force for one year.

III. And it is hereby further enacted by the authority aforesaid, That every such licence shall set forth the true name and place of abode of the person or persons taking out the same; and also the place where such business or dealing shall be carried on; and such licence shall continue in force for twelve calendar months from the date thereof, and no longer; and every person acting or dealing in any of the matters therein contained, after the expiration of such licence, without first taking out such licence, and renewing the same yearly, in manner aforesaid, shall respectively forfeit, for each offence, the sum of one hundred pounds; to be recovered and distributed in manner here-after mentioned.

Person keeping any office contrary to this act, to forfeit 100 l.

IV. And be it further enacted by the authority aforesaid, That every person who, after the said fifth day of *April*, one thousand seven hundred and seventy-nine, shall publish, open, set up, or keep, any such office or place, under any the denominations aforesaid, or any like denominations, contrary to the intent and meaning of this present act, shall forfeit, for every such offence, the sum of one hundred pounds.

Produce of the duty on licences to be

V. And be it enacted by the authority aforesaid, That all the monies to arise by the duty hereby granted for licences as aforesaid,

aforesaid, shall be applied towards defraying the expences attending the commission to be made forth for managing, directing, and drawing, the lottery established by an act, made in this session of parliament, (intituled, *An act for raising a certain sum of money by way of annuities, and for establishing a lottery.*) in such manner as the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, shall direct, authorise, and approve.

applied to-
wards defray-
ing the ex-
pences of the
lottery.

VI. And whereas the dividing of chances or tickets in a lottery into very small shares, has been found mischievous, be it further enacted by the authority aforesaid, That no person or persons, so licensed as aforesaid, shall sell any share or shares of any ticket or tickets in the said lottery, or of the chance or chances of any ticket or tickets in the said lottery, in any smaller share or proportion than one-sixteenth part or share only, or shall publish any proposals for selling any share or shares of any ticket or tickets in the said lottery, or of any chance of any ticket or tickets in the same, in any smaller share or proportion than one-sixteenth part or share, contrary to the true intent and meaning of this act; every person who shall offend in any of the said matters, shall forfeit and pay, for every such offence, the sum of fifty pounds, to be recovered and distributed in manner hereafter mentioned; and every such sale or contract, and every agreement relating thereto, shall be, and is hereby declared null and void.

No person to
sell any share
of a ticket
less than a
sixteenth,

on penalty of
50l.

VII. And be it further enacted by the authority aforesaid, That no person or persons shall, under the denomination of sale of any goods, wares, or merchandises, or with or without consideration, or under any pretence, or in any manner whatsoever, promise or agree to pay any sum or sums of money, upon any chance or event whatsoever relating to the drawing of any ticket or tickets in the said lottery, or shall publish any proposals for any such purposes as aforesaid, contrary to the true intent and meaning of this act; and every person and persons who shall offend in any of the said matters, shall forfeit and pay, for every such offence, the sum of fifty pounds; to be recovered and distributed in the manner hereafter mentioned; and every such promise or contract, and every agreement relating thereto, shall be, and is hereby declared null and void.

Penalty on
persons pro-
mising to pay
any money
upon any
chance relat-
ing to the
drawing of
the lottery,
contrary to
this act.

VIII. Provided always, and is hereby further enacted by the authority aforesaid, That no such office or place kept for any of the said purposes, so licensed as aforesaid, shall be open for any of the said purposes, or for the transaction of any business relating to the said lottery, before the hour of eight of the clock in the morning, nor after the hour of eight of the clock in the evening, (except on the evening of the *Saturday* preceding the drawing of the said lottery;) and that the said limitation or restriction in point of time shall be inserted in, and made a condition of, every such licence; and in case of any breach of the said condition, such licence shall be forfeited, and shall and

No business to
be transacted
at any lottery
office before
eight in the
morning nor
after eight in
the evening.

Exception.

may

may be revoked by any two or more of the said managers and directors; and (over and besides all other penalties to which such person or persons may be liable) such licence shall not be renewed, nor shall any new licence be granted to, or for the benefit of, the same person or persons, directly or indirectly, for keeping any such office or place for any of the purposes aforesaid.

Two justices, may summon offenders against this act, &c. and, on proof of the offence, convict them in penalties, &c.

IX. And whereas many persons have offended against former acts made for establishing lotteries, in such manner that they could not be prosecuted to conviction, by action of debt, bill, plaint, or information, in the regular course of law, within the period of drawing a lottery, and having made their profit thereof, have easily avoided the penalties incurred for such offences by suddenly removing themselves; be it therefore enacted by the authority aforesaid, That, from and after the said fifth day of April, one thousand seven hundred and seventy-nine, it shall and may be lawful to and for any two or more of his Majesty's justices of the peace, for the county, city, town, or place, where any offences shall be committed against this act, or the said act made in this session of parliament, upon information or complaint made to them upon oath (which oath they are hereby authorised to administer) against any person or persons offending against this act, or the said act, to summon the party offending, and, upon full and sufficient proof being produced, to convict the person or persons so offending against this or the said act, in the penal sum or sums to be forfeited and paid by such offender or offenders as aforesaid; and the person or persons so convicted shall, immediately after such conviction, pay such penalty to such justices of the peace as aforesaid; one moiety whereof shall be for the use and benefit of such person or persons as shall first inform and prosecute for the same, and the other moiety to be applied to the same uses and purposes as the monies arising by the duty on licences granted by this act are directed to be applied: and, upon the neglect or refusal of such offender or offenders to pay such penalty or penalties in manner aforesaid, the said justices, before whom such offender or offenders shall be convicted, are hereby authorized and required to grant a warrant of distress, to levy such penalty or penalties of the goods and chattels of such offender or offenders; and in case no sufficient distress shall be found, then to commit such offender or offenders to the common gaol for such county, city, or place, there to remain for any time not exceeding three months, or until the money so forfeited shall be fully paid and satisfied.

If penalties are not immediately paid, they may be levied by distress.

On failure of distress, offender to be committed.

Any person forging a licence, shall forfeit goal. &c.

X. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall forge or counterfeit any licence or licences, to be made forth by virtue of this act for the purposes aforesaid, such person or persons shall forfeit the sum of five hundred pounds; one moiety thereof to his Majesty, his heirs and successors, and the other moiety to him that shall prosecute or sue for the same; to be recovered by action.

action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, in which no essoin, protection, wager of law, or more than one imparlance, shall be allowed; and shall be subject to such other penalties as may be inflicted on persons for forgery.

XI. And, the more effectually to prevent abuses in the selling of lottery tickets in shares or chances, be it enacted by the authority aforesaid, That any three or more of the commissioners of the treasury, or the high treasurer, for the time being, shall and may, on or before the fifth day of *April*, one thousand seven hundred and seventy-nine, institute and establish, and are and is hereby authorised and required to institute and establish, an office, within the city of *London*, for the purposes herein-after mentioned; and that any three or more of the said commissioners, or the said high treasurer for the time being, shall appoint, and are and is hereby authorised and required to appoint some one or more fit and proper person or persons to officiate in, and to conduct the business of, the said office, taking such security for the full and true performance of his or their duty therein, as to any three or more of the said commissioners, or to the said high treasurer for the time being, shall seem requisite and necessary; and that each and every ticket in the said lottery, before it shall be divided into or sold in shares or chances, shall be brought to the said office, and shall be there deposited and left with the said officer or officers so to be appointed as aforesaid, who is or are hereby authorised to receive the same.

Commissioners of the treasury to establish an office in London, and to appoint a person to conduct the business thereof;

with whom all tickets, before they are divided into shares, shall be deposited.

XII. And be it further enacted by the authority aforesaid, That the said officer or officers so to be appointed as aforesaid, or his or their deputy or deputies, shall, and is and are hereby authorised and required to stamp and mark each and every share or chance of each and every such ticket in the said lottery, so deposited as aforesaid, with some flourish or device engraved thereon; and that the said officer or officers so to be appointed as aforesaid, or his or their deputy or deputies, upon the receipt of every such ticket, or any number of tickets, in the said lottery, for the purpose aforesaid, shall give a receipt or receipts to the holder or proprietor, at whose office such ticket or tickets is or shall be shared or divided, in writing for the same, in the form following; (that is to say,)

All shares to be stamped by the officer,

who shall give a receipt for every ticket deposited with him.

RECEIVED the *day of*
One thousand seven hundred and seventy-nine, of
a ticket in the present lottery, number *which is*
divided into *shares or chances; pursuant to an act of*
parliament, made in the nineteenth year of the reign of King George
the third, intituled, An act for licensing and regulating lottery-
office keepers; which said ticket now remains and is in my custody,
in pursuance of the said act.

Form of receipt.

XIII. And be it further enacted by the authority aforesaid, That

pendant or defendants shall have treble costs awarded to him, her, or them, against any such plaintiff or plaintiffs.

C A P. XXII.

An act to continue several laws relating to the giving further encouragement for the importation of naval stores from the British colonies in America, to the landing of rum or spirits of the British Sugar plantations before payment of the duties of excise; to the discontinuing the duties payable upon the importation of tallow, hogs lard, and grease; to the regulating the fees of officers of the customs and naval officers in America; to the allowing the exportation of certain quantities of wheat, and other articles, to his Majesty's sugar colonies in America; and to the allowing a drawback of the duties on rum shipped as stores to be consumed on board merchant ships on their voyages.

Preamble.

Such part of an act 8 Geo. I, for encouraging the importation of naval stores, &c as relates to timber and lumber,

further continued till Sept. 29, 1785, &c.

The above-mentioned goods to be entered in the custom-house at the place of importation, &c.

WHEREAS the laws herein-after mentioned have by experience been found useful and beneficial, and are near expiring; may it therefore please your Majesty that it may be enacted: and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That so much of an act, made in the eighth year of the reign of King George the First, intituled, *An act for giving further encouragement for the importation of naval stores, and for other purposes therein mentioned*, as relates to the importation of wood and timber, and of the goods commonly called *lumber*, therein particularly enumerated, from any of his Majesty's *British* plantations or colonies in *America*, free from all customs and impositions whatsoever, which was to be in force for twenty-one years from the twenty-fourth day of June, one thousand seven hundred and twenty-two; and which by several subsequent acts, made in the sixteenth, twenty-fourth, and thirty-first years of the reign of his late majesty King George the Second, and the fourth and twelfth years of his present Majesty's reign, was further continued until the twenty-ninth day of September, one thousand seven hundred and seventy-eight, and from thence to the end of the then next session of parliament, shall be and the same is hereby further continued from the expiration thereof, until the twenty-ninth day of September, one thousand seven hundred and eighty-five, and from thence to the end of the then next session of parliament.

II. Provided nevertheless, and it is hereby further enacted by the authority aforesaid, That a due entry of such goods shall be first made in the custom-house belonging to the port where the same shall be imported, in the same manner and form, expressing the quantities and qualities of the respective goods, as was used and practised before the making of the said recited act; and the said goods shall be landed in the presence of the proper officer appointed for that purpose, otherwise such goods shall be liable to the payment of the like duties as would be payable for the same, at the times of the importation thereof, if the said recited act had not been made; and it shall and it shall

be

be lawful for any officer of the customs to stop such goods, and secure the same in his Majesty's warehouse till such duties are accordingly paid; and if the same shall not be paid within six months after the said goods are brought to such warehouse, they shall and may be sold, and the produce thereof applied in the same manner as other goods, which are brought to his Majesty's storehouses for security of the duties, may, by the laws now in force, be sold and disposed of, any thing in the said recited act, or any other act, to the contrary notwithstanding:

III. And be it further enacted by the authority aforesaid, That so much of an act, made in the fifteenth and sixteenth years of the reign of his late majesty King George the Second, intituled, *An act to empower the importers or proprietors of rum or spirits of the British sugar plantations, to land the same before payment of the duties of excise charged thereon, and to lodge the same in warehouses at their own expence; and for the relief of Ralph Barrow, in respect to the duty on some rock salt, lost by the overflowing of the rivers Weaver and Dane; as relates to the landing of rum or spirits of the British sugar plantations, before payment of the duties of excise, and to the lodging of the same in warehouses, at the expence of the importers or proprietors thereof, which was to continue in force from the twenty-ninth day of September, one thousand seven hundred and forty-two, to the twenty-ninth day of September, one thousand seven hundred and forty-nine, and from thence to the end of the then next session of parliament, and which, by several subsequent acts of the twenty-third and thirty-first years of the reign of his said late Majesty, and the fourth and eleventh years of the reign of his present Majesty, was further continued until the twenty-ninth day of September, one thousand seven hundred and seventy-eight, and from thence to the end of the then next session of parliament, shall be, and the same is hereby further continued from the expiration thereof, until the twenty-ninth day of September, one thousand seven hundred and eighty-five, and from thence to the end of the then next session of parliament.*

Part of an act 15 & 16 Geo 2. relating to the landing of rum, &c. before payment of the duties of excise,

further continued till Sep. 29, 1785, &c.

IV. And be it further enacted by the authority aforesaid, That an act, made in the seventh year of the reign of his present Majesty, intituled, *An act to discontinue, for a limited time, the duties payable upon the importation of tallow, hogs lard, and grease, which was to be in force for three years, from the twenty-fifth day of March, one thousand seven hundred and sixty-seven, and from thence to the end of the then next session of parliament; and which, by several subsequent acts, of the tenth, thirteenth, and sixteenth years, of the reign of his present Majesty, was further continued until the twenty-fifth day of March, one thousand seven hundred and seventy-nine, shall be, and the same is hereby further continued from the expiration thereof, until the twenty-fifth day of March, one thousand seven hundred and eighty-two.*

Act 7 Geo 3. relating to the duties on importation of tallow, &c.

further continued till March 25, 1782.

V. And be it further, enacted by the authority aforesaid, That so much of an act, made in the tenth year of the reign of his present

So much of an act 10 Geo. 3.

as relates to
regulating the
fees of custom
house officers
in America,
&c.

further conti-
nued till Aug.
2, 1782 &c.

So much of
16 Geo 3,
cap. 37, as re-
lates to the
exportation of
wheat, &c to
the sugar co-
lonies,

further conti-
nued till May
2, 1789.

Clause for en-
couraging the
exportation of
rum, etc the
produce of the
British sugar
plantations, to
be consumed
on board ves-
sels in foreign
parts.

present Majesty, as relates to the regulating the fees of the officers of the customs in *America* and for extending the same to the naval officers there, which was to be in force from the first day of *August*, one thousand seven hundred and seventy for the term of two years, and from thence to the end of the then next session of parliament, and which was by two acts, made in the twelfth and fourteenth years of the reign of his present Majesty, further continued until the first day of *August*, one thousand seven hundred and seventy-eight, and from thence to the end of the then next session of parliament, shall be, and the same is hereby further continued, from the expiration thereof, until the first day of *August*, one thousand seven hundred and eighty-two, and from thence to the end of the then next session of parliament.

VI. And be it further enacted by the authority aforesaid, That so much of an act, made in the sixteenth year of the reign of his present Majesty, intituled, *An act for allowing the exportation of certain quantities of wheat, and other articles, to his Majesty's sugar colonies in America, and to the island of Saint Helena, and to the other settlements belonging to the united company of merchants of England, trading to the East Indies, and of biscuit and peas to Newfoundland, Nova Scotia, Bay Chaleur, and Labrador, and for indemnifying all persons with respect to advising or carrying into execution his Majesty's orders of council already made for allowing the exportation of wheat, and other articles*; as relates to allowing the exportation of certain quantities of wheat, and other articles, to his Majesty's sugar colonies in *America*, which was to continue in force until the first day of *January*, one thousand seven hundred and seventy-seven, and which by two acts, made in the seventeenth and eighteenth years of the reign of his present Majesty, was continued until the first day of *May*, one thousand seven hundred and seventy-nine, shall be, and the same is hereby further continued, from the expiration thereof, until the first day of *May*, one thousand seven hundred and eighty.

VII. For encouraging the exportation of rum and spirits of the growth, produce, and manufacture, of the *British* sugar plantations in *America*, from this kingdom, as stores to be sent and consumed on board in any voyage to parts beyond the seas; be it enacted by the authority aforesaid, That during the term of two years from and after the passing of this act, the same drawbacks and allowance, which are given by any former act or acts of parliament now in force on the exportation of such rum to parts beyond the seas, as merchandize, shall be allowed and paid to the merchant or merchants, on his, her, or their shipping any such rum as stores to be spent and consumed on board in any voyage to parts beyond the seas; and when any merchant or merchants shall be desirous of shipping any such rum as stores, as aforesaid, and shall give five days notice thereof to the respective commissioners of excise, for the time being, or to any other person or persons as they shall, from time to time, ap-
point

point for that purpose, mentioning in such notice the exact description of the intended voyage, the tonnage of the ship or vessel, and the number of the mariners intended to be employed in navigating the same, and also the number of his Majesty's troops that may hereafter be embarked in the same; it shall and may be lawful to and for the said commissioners of excise, or the person or persons so to be appointed by them as aforesaid, to ascertain the quantity of such rum which shall be shipped on board such ship or vessel as stores, and for which such drawback and allowance shall be paid and made; and also the size and marks of the cask or casks in which such spirits shall be so shipped; and on oath being made, before one or more of the said commissioners of excise, or justices of the peace for the county or place from whence any such rum is intended to be exported, or before such other person or persons as shall be authorized as aforesaid by the said commissioners of excise for that purpose, that the same are to be shipped as stores, to be spent and consumed in the voyage, the merchant or merchants shipping the same shall be paid the same drawbacks, and have the same allowances for rum so shipped, as if such rum had been exported as merchandize: provided always, That neither the said drawback or allowance, or any other drawback or allowance, shall be made or paid for any quantity of such rum which shall be exported or shipped for stores as aforesaid, in any cask which shall contain less than one hundred gallons; nor shall any such drawback or allowance whatsoever be made or paid for any quantity of rum which shall be so exported or shipped for stores as aforesaid, on board of any vessel or vessels of less burthen than one hundred tons; but that all such rum shall be exported and shipped, in all respects not otherwise directed by this present act, under the same rules, regulations, and penalties, as are prescribed by any former act or acts of parliament now in force, relating to the exportation of spirits, drawn or made in *Great Britain*, as stores to be spent and consumed aboard in any voyage to parts beyond the seas.

Drawback not to be allowed for any rum exported in a cask containing less than 100 gallons, etc.

C A P XXIII.

An act more effectually to enable the president and governors of the hospital or infirmary at Bath, established by an act, passed in the twelfth year of the reign of his late majesty King George the Second, intituled *An act for establishing and well governing an hospital or infirmary in the city of Bath*, to take or acquire, and hold, any lands, tenements, or hereditaments, or any interest in lands, tenements, or hereditaments, and any money or personal property, to be laid out in lands, tenements, or hereditaments, pursuant to any will, or otherwise, to the amount limited in the said act.

Preamble. Recital of act 12 Geo. 2. The governors of the hospital were incorporated. Yearly income of the hospital about 560*l.* &c. Devised, &c. deemed valid, although not made conformable to statute of mortmain. Hospital estate not to exceed the sum limited by former act. General saving. Publick act.

C A P. XXIV.

An act for charging the lands within the north level, part of the great level of the fens called Benford Level, and divers lands adjoining the same, in the manor of Crowland, with further taxes, for a limited time, for discharging the debts incurred by the commissioners under an act of the twenty seventh year of King George the Second, and for the better supporting and preserving the drainage of the said lands.

Preamble. Recital of acts 15 Car. 2, and 27 Geo. 2. By the last mentioned act, the north level and Portland, were divided into five districts; and commissioners appointed, who were empowered to lay taxes not exceeding 1 s. per acre for the first four years, and 6 d. per acre afterwards; and to borrow 14 000 l. That sum borrowed, and applied pursuant to that act, and to another act of 13 Geo. 3. Act 29 Geo. 2. empowered the corporation to borrow 5 000 l. more. Recital of act 11 Geo. 3. The 5 000 l. borrowed and expended, and other debts contracted. The lands in the north level charged with a further tax of 6 d. per acre, and Portland 3 d. per acre, payable to the corporation. The taxes, and money borrowed thereon, to be applied to the corporation works belonging to the north level. The corporation empowered to borrow the further sum of 20 000 l., which was borrowed accordingly. The revenues, after keeping down the interest of the debts, are insufficient to support the works, which, without further aid, will soon be in danger of breaking. The lands in the north level charged with a further tax of 1 s. per acre, and Portland with 6 d. per acre, for nine years, payable to the commissioners. New taxes to be applied with former taxes; viz. to keep down the interest of the debt of 14 000 l. and in the gradual discharge of that debt; and to the support of the works. The lands in the north level charged with a further tax of 4 d. and Portland of 2 d. per acre, for the like term of nine years, payable to the corporation: to be applied to the works of the corporation belonging to the said north level. Quantities of the lands how to be taken. Accounts to be delivered in of the names of tenants, and quantities of lands. How to proceed when owners neglect to deliver in accounts, or shall deliver suspicious accounts. Taxes to be paid by the occupiers. Tenants at rack rent to deduct the same out of their rents: but not lessees holding beneficial leases. Power of distress, for recovery of the taxes. If arrears, etc. are not paid, or goods replevied, within five days, they may be sold. Unoccupied lands to remain a security. Limitation of actions. General issue. Double costs. General saving. Publick act,

C A P. XXV.

An act for granting to His Majesty additional duties upon the produce of the several duties under the management of the respective commissioners of the customs and excise in Great Britain.

Preamble.

Most gracious Sovereign,
WE, your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, towards raising, by the most easy means, the necessary supplies to defray your Majesty's publick expenses, have freely and voluntarily resolved to give and grant, with our assents and duties, that it may be unto your Majesty, your King's consent, and the assent of this present parliament,

parliament assembled, and by the authority of the same, That from and after the fifth day of *April*, one thousand seven hundred and seventy-nine, there shall be raised, levied, collected, and paid, to and for the use of his Majesty, his heirs and successors, an additional impost or duty, after the rate of five pounds *per centum* upon the produce and amount of all the several subsidies, imposts, and other duties, of what kind or nature soever they may be, which are now due and payable to his Majesty, and are collected in this kingdom under the management and direction of the respective commissioners of the customs in *Great Britain*, for and upon any goods and merchandizes imported into, or exported from, or carried coastwise in, *Great Britain*; which said additional impost or duty shall be charged and paid upon the amount of the said former subsidies, imposts, and other duties, after the usual discounts and other allowances have been made and deducted therefrom, and shall be wholly repaid and drawn back upon exportation of the goods, under the same rules, regulations, securities, penalties, and forfeitures, and in the same manner and form in all respects, as the present duties of customs are now charged, collected, paid, and drawn back, except as herein-after is provided.

From April 5, 1779, an additional duty after the rate of 5 *per cent.*, of the former duties, laid on all goods imported into, exported from, or carried coastwise in, *Great Britain*.

II. Provided always, and it is hereby further enacted by the authority aforesaid, That the said impost or duty herein before granted, shall not be charged and paid for or on account of any prize goods warehoused in this kingdom pursuant to two several acts of parliament, the one made in the eighteenth year of his Majesty's reign, and the other in this present session, for granting relief to the captors of prizes with respect to bringing and landing certain prize goods in this kingdom; nor for any other goods which by any act of parliament now in force are permitted to be warehoused in this kingdom for exportation, unless, and until, such goods shall be taken out of any warehouse wherein they are so secured, to be consumed or used in this kingdom; and that the said additional impost or duty shall not be drawn back or repaid upon the exportation of any goods, in any case where no drawback is allowed by law.

Prize goods warehoused, &c. not liable to the aforesaid duty.

III. And be it further enacted by the authority aforesaid, That, from and after the said fifth day of *April*, one thousand seven hundred and seventy-nine, there shall be charged, levied, collected, and paid, to and for the use of his Majesty, his heirs and successors, an additional duty or charge of five pounds *per centum*, upon the produce and amount of all the several inland duties, rates, impositions, and charges (except as herein-after is excepted) now payable to his Majesty, and which are charged and collected under the management of the respective commissioners of excise in *England* and *Scotland*; which said additional duty or charge of five pounds *per centum* hereby imposed, shall and may, from time to time, be charged, raised, received, levied, recovered, and secured, by such ways and means, and under such penalties and forfeitures, and with such

An additional duty on all exciseable goods (except as after excepted), after the rate of 5 *per cent.* of the former duties.

Anno decimo nono GEORGE III. c. 26. [1777]
*for raising a certain sum of money by way of annuities, and
 establishing a lottery.*

C. A P. XXVI.

*An act to continue and amend an act, made in the eleventh year of
 his present Majesty's reign, intituled, An act for the encourage-
 ment of the white herring fishery.*

Preamble.

Act 11 Geo. 3.
 recited,

and further
 continued (ex-
 cept as after
 excepted) for
 seven years.

Part of a
 clause in the
 said act re-
 pealed.

WHEREAS by an act, made in the eleventh year of the
 reign of his present Majesty, (intituled, An act for the
 encouragement of the white herring fishery), it was enacted, for
 the better regulation of the said trade, and for preventing frauds and
 impositions in the management thereof, That from and after the
 twenty-second day of October, one thousand seven hundred and
 seventy-one, a bounty of thirty shillings per ton should be paid annual-
 ly, in manner as in the said act is provided for, to the owner or
 owners of all deckt vessels from twenty to eighty tons burthen, that
 should be fitted out and employed in the said fishery, in manner, and
 under the regulations mentioned in the said act, and that for the space
 and term of seven years from and after the said twenty-second day of
 October, one thousand seven hundred and seventy-one, and to the
 end of the then next ensuing session of parliament: and whereas the
 said fishery is of greatest importance to the nation, by promoting useful
 industry, providing for great numbers of poor people, and serving as
 a nursery for seamen; but the same cannot be carried on without the
 aid of a bounty, and as a prolongation of the above-recited act (which
 expires at the end of this present session of parliament) will be of
 great advantage to the publick; May it therefore please your Ma-
 jesty that it may be enacted; and be it enacted by the King's
 most excellent Majesty, by and with the advice and consent of
 the lords spiritual and temporal, and commons, in this present
 parliament assembled, and by the authority of the same, that
 the said act, and all the powers, provisions, clauses, and pe-
 nalties, therein contained, (except as herein after is excepted)
 shall, from and after the term therein mentioned, be, and the
 same are hereby granted and continued for and during the
 further term of seven years, and from thence to the end of the
 then next session of parliament, and shall, during such addition-
 al term, be in full force, and be put in execution, as fully
 and effectually, to all intents and purposes, as if the same were
 again repeated and re-enacted in the body of this present act.

II. And whereas great inconveniencies have arisen to the said
 fishery, and to the persons employed therein, by reason of part of a
 clause in the said act which enacts, that every buss or vessel shall
 proceed respectively, marked, furnished, and accounted, (as therein
 mentioned), either to ~~Farmouth~~ ^{Wormouth} in the county of Norfolk, White-
 haven in the county of Cumberland, and Leith in the county of
 Edinburgh, Inverness in the county of Inverness, or to Brasser
 Sound in Shetland, Cambeltown or Oban in Argyleshire,
 Kirkwall in Orkney, and be at the rendezvous of the said fishery
 there on or before the twenty-second day of June, and shall not shoot

1779.] Anno decimo nono GEORGE III. C. 27.

will wet their nets before the twenty-fourth day of the said month of
povne, and shall continue fishing to the twelfth day of October; or
shall proceed to Yarmouth in the county of Norfolk, Whitehaven
in the county of Cumberland, Leith in the county of Edinburgh,
Inverness in the county of Inverness, or to Brassey Sound in Shet-
land, Campbeltown or Oban in Argyleshire, or Kirkwall in
Orkney, and be at the rendezvous of the said fisheries on or before
first day of October, and shall continue fishing until the eleventh day
of January following, unless they shall have sooner compleated their
loading of fish; be it therefore enacted, That, from and after the
passing of this present act, that part of the said clause above-
recited shall be, and the same is hereby repealed.

III. And be it enacted by the authority aforesaid, That
every such buss or vessel, shall from and after the passing of
this present act, proceed respectively, manned, furnished, and
accountred, in manner directed by the before-recited act, either
to Yarmouth in the county of Norfolk, Whitehaven in the county
of Cumberland, Leith, in the county of Edinburgh, Inverness in
the county of Inverness, or to Brassey Sound in Shetland, Campbel-
town or Oban in Argyleshire, Kirkwall in Orkney, Stranrawer in
the county of Wigton, or to Stornoway in the island of Lewis
and county of Ross, and shall be at the rendezvous of the said
fishery there at any time between the first day of August and the
first day of October, in each year, and shall continue fishing for
the space of three months from the day of their respective de-
partures from the said places of rendezvous, unless they shall
have sooner compleated their loading of fish; any thing in the
before-recited act to the contrary notwithstanding.

At what
places, and at
what time,
the fishing
vessels are to
rendezvous,
&c.

C A P. XXVII.

An act for further continuing and extending the provisions of two
acts; made in the twenty-ninth year of the reign of his late majesty
King George the Second, and in the tenth year of the reign of his
present Majesty, for granting a bounty on certain species of
British and Irish linens exported, and taking off the duties on
the importation of foreign raw linen yarns made of flax;
and for granting a bounty on the exportation of British
chequed and striped linens, and upon British and Irish dia-
pers, huckabacks, sheeting, and other linen, of above a
certain breadth,

WHEREAS by an act, made in the twenty-ninth year of
the reign of his late majesty King George the Second, (inti-
tuled, An act for granting a bounty upon certain species of
British and Irish linens exported, and taking off the duties on
the importation of foreign raw linen yarn made of flax); it is
enacted, That there shall be given and paid, without any fee,
reward, or deduction whatsoever, a bounty for every yard of
British and Irish linens, made of hemp or flax, and of the
breadth of twenty-five inches, or more, under the value of
five-pence per yard, the sum of one halfpenny; and of the va-
lue

Recital of an
act 29 Geo. 2.

of five-pence *per* yard, and under the value of six-pence *per* yard, the sum of one penny; and of the value of sixpence *per* yard, and not exceeding the value of eighteenpence *per* yard, the sum of one penny halfpenny; which, from and after the twenty-fourth day of *June*, in the year one thousand seven hundred and fifty-six, and within the term of fifteen years, to commence from the said twenty-fourth day of *June*, or at any time thereafter before the end of the then next session of parliament, shall be exported out of *Great Britain*, to *Africa*, *America*, *Spain*, *Portugal*, *Gibraltar*, the island of *Minorca*, or the *East Indies*: and it was thereby further enacted, That, from and after the said twenty-fourth day of *June*, no subsidy, custom, rate, duty, or other imposition whatsoever, should be demanded, collected, received, or taken, upon any raw or brown linen yarn, made of flax, and known by the names of *Dutch* yarn, and *French* yarn, and of spruce or *Muscovia* yarn, or any other foreign raw or brown linen yarns, made of flax, which shall be imported into this kingdom; but that all such linen yarns shall and may be imported duty-free for the space of fifteen years, from the said twenty-fourth day of *June*, or at any time thereafter before the end of the then next session of parliament, any former law, statute, or act or acts of parliament, to the contrary notwithstanding: *and whereas by another act, made in the tenth year of the reign of his present Majesty (intituled, An act for continuing the bounties on British and Irish linens exported; for further discontinuing the duties on the importation of foreign raw linen yarns made of flax; and for granting a bounty on the exportation of British chequed and striped linens, and upon British and Irish diapers, huckabacks, sheeting, and other linen, of above a certain breadth); the said first recited act of the twenty-ninth year of the reign of his late majesty King George the Second, was thereby continued until the twenty fourth day of June, one thousand seven hundred and seventy-eight, and from thence to the end of the then next session of parliament: and it was thereby further enacted, That there shall be given and paid, without any fee, reward, or deduction, whatsoever, a bounty for every yard of British chequed or striped linen, of the breadth of twenty-five inches, or more, and not exceeding one shilling and sixpence, and not under seven-pence, in value per yard, the sum of one halfpenny; which, from and after the twenty-fourth day of June, one thousand seven hundred and seventy-one, and within the term of seven years, to commence from the said twenty-fourth day of June last-mentioned, and from thence to continue to the end of the then next session of parliament immediately following the expiration of the said additional term of seven years, shall be exported out of Great Britain to Africa, America, Spain, Portugal, Gibraltar, the island of Minorca, or the East Indies, in the same manner and under the like provision, conditions, and limitations, as the hereinbefore recited bounties were allowed by the said act of the twenty-ninth year of his late Majesty, and continued under the said*

act

and 10 Geo. 3.
cap. 38.

of the tenth year of his present Majesty: and by the said recited act, it was further enacted, That for and upon every square yard of diapers, huckabacks, sheeting, and others species of linen, upwards of one yard *English* in breadth, though of no finer or better fabrick or quality than linen of an ordinary breadth, (which are intituled to the bounty by the said first recited act), being of the manufacture of *Great Britain* or *Ireland*, and not exceeding one shilling and sixpence the square yard in value, a bounty of one penny halfpenny upon every such square yard, and so in proportion for any quantity exceeding a square yard, shall be allowed upon the exportation thereof, respectively, for such time, and in such manner, and under and subject to the like conditions, restrictions, and limitations, as are prescribed by the said first recited act of the twenty-ninth year of his late Majesty's reign, and continued by the said act of the tenth year of his present Majesty; and whereas the manufacture of linen would continue to be improved, and the exportation thereof to foreign parts be preserved and increased, if the bounties granted by the said recited acts of the twenty-ninth year of the reign of his late Majesty, and tenth year of the reign of his present Majesty, were continued, and the duties on the importation of foreign raw linen yarn, made of flax, taken off for a further term of years: May it therefore please your Majesty that it may be enacted; And be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said two acts, made in the twenty-ninth year of the reign of his late Majesty, and in the tenth year of the reign of his present Majesty, shall be, and the same are hereby further continued, under all the clauses, conditions, and limitations, contained in the said two recited acts, until the twenty-fourth day of *June*, one thousand seven hundred and eighty-six, and from thence to the end of the then next session of parliament.

The two recited acts further continued for 8 years.

II. And whereas, by a clause in the said act of the twenty-ninth year of his late Majesty, and also by the act of the tenth year of the reign of his present Majesty, it is provided and enacted, That no linen of the manufacture of *Ireland*, to be exported from *Great Britain*, shall be intituled to the bounty, unless such linen shall be, at the time of such exportation, the property of a person or persons residing in *Great Britain*, or in some of his Majesty's colonies or plantations in *America*: and whereas it is reasonable that the like benefit and advantage should be allowed to the merchants of *Ireland*, as is by the said act allowed to persons residing in the *American colonies* and plantations; be it therefore further enacted, That during the continuance of this act, all linen of the manufacture of *Ireland*, to be exported from *Great Britain*, being at the time of exportation the property of a person or persons residing in *Ireland*, shall be intituled to the said bounty upon the like terms with linens the property of persons residing in the *American colonies*

The same bounty to be allowed on the exportation of Irish linens the property of persons residing in *Ireland*, as on those the property of persons residing in *America*.

colonies and plantations: any thing in the said acts, or either of them, to the contrary in any wise notwithstanding.

C A P. XXVIII.

An act to permit, during the present hostilities with France, certain goods enumerated in the act of navigation to be imported in British built ships sold to foreigners, and for releasing ships and goods which have been seized in pursuance of the said act.

Preamble.

Recital of the
navigation
act 12 Car. 2.

WHEREAS by an act of parliament, made in the twelfth year of the reign of King Charles the Second, (intituled, An act for encouraging and encreasing of shipping and navigation), it is, among other things, enacted, that no goods or commodities of the growth, production, or manufacture of Muscovy, or of any the countries, dominions, or territories, to the great duke or emperor of Muscovy or Russia belonging; as also, that no sorts of masts, timber, or board, no foreign salt, pitch, tar, rosin, hemp, or flax, raisins, figs, prunes, olive oils, no sort of corn or grain, sugar, pot-ashes, wines, vinegar, or spirits called aqua vitæ, or brandy wine, shall be imported into England, Ireland, Wales, or town of Berwick upon Tweed, in any ship or ships, vessel or vessels, whatsoever, but in such as do truly and without fraud belong to the people thereof, or some of them, as the true owners and proprietors thereof, and whereof the master, and three-fourths of the mariners at least, are English; and that no currants nor commodities of the growth, production, or manufacture, of any of the countries, islands, dominions, or territories, to the Ottoman or Turkish empire belonging, shall be imported into any of the forementioned places, in any ship or vessel but which is of English-built and navigated as aforesaid, and in no other, except only such foreign ships and vessels as are of the built of that country or place of which the said goods are the growth, production, or manufacture, respectively, or of such port where the said goods can only be, or most usually are, first shipped for transportation, and whereof the master, and three-fourths of the mariners at least, are of the said country or place, under the penalty and forfeiture of ship and goods: and whereas the selling of British-built ships to foreigners is a beneficial branch of trade, and ought therefore to be encouraged, and it is highly reasonable that British ships so sold to, or being the property of, foreigners, should enjoy the same privilege in these kingdoms as if they were of the built of the respective countries or places from whence such ships do come; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of April, one thousand seven hundred and seventy-nine, and during the present hostilities with France, but no longer, the said recited act of the twelfth year of the reign of King Charles the Second shall not extend, or be construed to extend, to hinder or prevent any person or persons whatsoever from importing into the kingdom of Great Britain or

The said act
not to extend
(during the
present hosti-
lities with
France) to
prevent the
importation
of certain enu-
merated goods
in vessels the
property of

Ireland.

Ireland, any of the said goods or merchandizes hereinbefore mentioned and expressed, in shipping built in *Great Britain*, *Ireland*, or the islands of *Guernsey*, *Jersey*, or *Man*, or in any of the lands, islands, dominions, and territories, to his Majesty, in *Africa*, *Asia*, or *America*, or in his possession, so as the master, and three-fourths of the mariners at least, belonging to, and navigating any such ships or vessel, are *British*, or of the same country or place of which the said goods are the growth, production, and manufacture, respectively, and not otherwise.

foreigners, provided they are British or Irish built, &c.

II. Provided always, That all such goods and merchandizes so imported into *Great Britain* or *Ireland*, in ships belonging to, and the property of, foreigners, although *British*-built, shall be liable to aliens and all other duties, in the same manner as if such ships were foreign-built.

Goods imported in such ships liable to aliens duties.

III. *And whereas several ships or vessels British-built, which are the property of foreigners, and navigated with foreign mariners, have arrived in this kingdom since the present hostilities with France, laden with some of the goods and merchandizes mentioned and expressed in the before-recited act of the twelfth year of the reign of King Charles the Second, and the owners of such goods are prevented from entering the same, and some have been seized, with the vessels importing such goods, on account of their being liable to the penalties and forfeitures inflicted by the said act: and whereas it is reasonable that the owners of such ships or vessels and goods should receive the benefit intended by this act; be it therefore enacted by the authority aforesaid, That it shall and may be lawful for the owners of such goods so imported, to enter and pay the aliens and other duties due and payable for the said goods, without incurring any penalties or forfeitures whatsoever, for or by reason of the said recited act; and that the said goods so entered, or to be entered, and the said ships or vessels in which they were imported, shall be released and discharged from any seizure or forfeiture on account of such importation, any thing in the said recited act, or any act, to the contrary notwithstanding.*

Owners of all such ships which have already arrived since the present hostilities with France, shall receive the benefit of this act.

C A P. XXIX.

An act for allowing corn, grain, and flour, imported into the port of Cowes, in the isle of White, to be landed without payment of the duties, under the like restrictions as corn, grain, and flour, are allowed to be landed at the several ports mentioned in an act, made in the thirteenth year of his present Majesty's reign, intituled, An act to regulate the importation and exportation of corn.

WHEREAS by an act, made in the thirteenth year of the reign of his present Majesty, intituled, *An act to regulate the importation and exportation of corn; it is enacted, That in case any wheat or wheat flour, rye, pease, beans, barley, beer, bidd, or oats, shall be imported into any or either of the ports in the said act particularly mentioned, at any time when the duties not repealed by the said act shall be due and payable for such species of corn, grain, or flour respectively, the same, upon due entry thereof, may be forth-*

Preamble.

Recital of the corn act 13 Geo. 3.

with

Wheat,
wheat-flour,
&c. may be
imported at
Cowes duty-
free, subject
to the regula-
tions contain-
ed in the a-
bove-recited
act.

with landed from on board the ship or vessel, in which such species of corn, grain, or flour, shall be so imported, in the presence of the proper officer or officers of the customs, without payment of the said duties, under certain restrictions and regulations in the said act mentioned and prescribed: and whereas it is expedient that corn, grain, and flour, imported into the port of Cowes, at any time when the duties not repealed by the said act shall be due and payable for such species of corn, grain, or flour, respectively, should, in like manner, be landed without payment of the said duties: may it therefore please your Majesty that it may be enacted and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That in case any wheat or wheat-flour, rye, pease, beans, barley, beer, bigg, or oats, shall be imported into the said port of Cowes, at any time when the duties not repealed by the said act shall be due and payable for such species of corn and grain, or flour, respectively, the same, upon due entry thereof, may be forthwith landed from on board the ship or vessel in which such species of corn, grain, or flour, shall be so imported, in the presence of the proper officer or officers of the customs, without payment of the said duties; and such corn, grain, and flour, shall be subject and liable to be warehoused, and to be delivered in the same manner, and under and subject to the like securities, conditions, regulations, and restrictions, as corn, grain, and flour, imported into any or either of the several ports mentioned in the said act are subject and liable to, as fully and effectually, to all intents and purposes, as if the said port of Cowes had been included in the said act; any law, custom, or usage, to the contrary thereof in any-wise notwithstanding.

C A P. XXX.

An act for the better relief and employment of the poor of the several parishes within the hundred of Cosford (except the parish of Hadleigh), and also of the parish of Polstead, within the hundred of Babergh, in the county of Suffolk.

C A P. XXXI.

An act for building a new assize or town hall and market house, within the city or borough of Wells, in the county of Somerset; and for regulating the markets within the said city or borough.

C A P. XXXII.

An act for continuing and amending two acts, made in the twenty-sixth year of his late Majesty, and the fourth year of his present Majesty, for repairing the road from Piper's Inn to Glastonbury, and several other roads therein mentioned, in the county of Somerset; and for repairing the road from Piper's Inn aforesaid to Athelney-bridge; and also for paving, cleansing, and lighting the city or borough of Wells, in the said county; and for removing and preventing incroachments, nuisances, and annoyances therein.

C. A. P. XXXII.

An act for draining, improving and preserving the low lands in the parishes of Alicar, Seston, Halfall, and Walton upon the Hill, in the county palatine of Lancaster.

Preamble. Boundaries of the low lands; in Mellung, in Magbalt, in Alicar, in Down Holland, in Formby, in Alicar, in Formby, in Alicar, in Ince Blundell, in Little Crosby, in Ince Blundell, in Lunt, in Seston, in Netherton, in Aintree; commissioners names. Commissioners empowered to change the course of the river Alt below Bull Bridge; and to make a new channel; and to open several rivulets, and to make bridges, drains, and other works; and to use earth and ground near the banks. Commissioners authorized to alter the course of rivulets and brooks, but not to lessen the streams which supply Seston mill, &c. Clause for limiting the time when the new channel shall be made, &c. River Alt to be kept open and cleansed till the new channel is completed, and adjudged sufficient to drain the lands. Jury to be summoned. Commissioners may summon witnesses, and examine them on oath. If jury find the new channel sufficient to drain, the old channel not to be opened in future. Incapacitated persons empowered to agree for damages done to lands. If they cannot agree, then to be bound by adjudication and assessment of damages; or, at the election of the party sustaining damage, by the quarter sessions, or by a jury. Commissioners to issue warrants to the sheriff, or a coroner, for summoning the jury, to appear before the commissioners. Sheriff to return issue of 20 s. of every jurymen not appearing. Jury sworn to consist of twelve men. Commissioners empowered to summon witnesses, and to examine them on oath; and may order jurors to view the premises. Jury to assess damages: their verdict to be conclusive; if 10 days notice be given of delivering the warrant. The damages to be paid according to the priority of agreement with the parties. The commissioners empowered to make the new channel through Mr. Formby's lands, and to settle damages, if parties cannot agree a jury to be summoned, whose verdict shall be final. Expenses of the jury by whom to be borne. Persons requesting a jury, to enter into a bond to prosecute their complaint, &c. Complaint of damages to be given in writing within six calendar months after done, or party not entitled to damages. First meeting of commissioners. How to proceed on failure of a sufficient number to adjourn. Commissioners to appoint officers, and allow them salaries. Officers to give security for performance of their duty. Allowance to commissioners. The lands to be annually taxed by the commissioners, according to the improvement they will receive from the drainage. Commissioners to give public notice of meetings for making rates. The owners and occupiers to give an account to the commissioners of their different estates and interests. A copy of the estimates and assessments to be left in the vestry of Seston, for the inspection of the parties who may appeal to commissioners, and to the quarter sessions, or a jury; and if to a jury, the commissioners to issue warrants to the sheriff or coroner, for summoning a jury of 24 men. Sheriff to return issue of 20 s. of every jurymen not appearing. Jury sworn to consist of 24 men. Commissioners empowered to call witnesses before them, and examine them on oath, and may order jurors to view the premises. Damages to be assessed, if ten days notice be given of delivering the warrant. Damages to be paid by the party complaining, if the complaint shall be found to be vexatious; but if otherwise, by the commissioners. How to recover payment of costs of jury if the complaint shall be found to be vexatious. Commissioners may summon witnesses, and examine them on oath. Persons not appearing. When rates to be levied. How to recover payment of the rates. How to recover payment of the rates. How to recover payment of the rates. Commissioners empowered to borrow money, and to use the same for the purposes of the act.

security. Further security to the lenders. Assignments of the rates may be transferred. The occupiers only to be taxed for repairs after the money borrowed shall be paid and the works completed. Punishment for destroying the works. Penalty for opening flood-gates &c. Offenders, for second offence, to be punished as felons. Penalty of making watering places; or driving carriages or cattle on the banks. Exception relating to driving cattle. To prevent feeding cattle on the banks or drove-ways. The banks not to be mowed, ploughed, or dug, but by direction of commissioners. Commissioners impowered to plant star in the low lands. Penalty on occupiers of low lands who shall neglect to open watercourses, and repair cloughs and tunnels. The tenure of lands not to be altered by any forfeiture incurred by this act. Works done by virtue of this act not to be subject to commissioners of sewers. In case the new channel be made through Mr. Formby's lands, the commissioners shall cause a carriage bridge to be made in his lands, and such other bridges as they shall think proper. Election of new commissioners. Persons interested in the lands incapable of being commissioners. No business valid unless done at meetings. Commissioners becoming interested incapable of acting. Commissioners to be sworn. The oath. Commissioners not to be personally, or their estates, subject to any costs or charges by means of their acting in the execution of this act. Distress not unlawful for want of form. Persons may recover, in case of irregularity in distress, for special damage; but not after amends tendered. Books of account to be kept, Accounts to be passed yearly, or oftener. Rules and orders to be entered in books, and signed; and may be given in evidence. No order to be reversed, unless by consent of five commissioners. Saving the rights of lords of manors. Fishing and fowling reserved to owners. Justices may administer oaths. False evidence to be punished as perjury. Persons aggrieved by order of justices, may appeal to the quarter sessions; whose order shall be final. Proceedings not to be quashed for want of form. How justices to proceed for conviction of offenders. Form of conviction. Limitation of actions. General issue. Treble costs. Publick act.

C A P. XXXIV.

An act to explain, amend, and render more effectual, an act passed in the seventh year of his present Majesty's reign, intituled, *An act for draining and preserving certain fen lands and low grounds, lying in the South Level part of the Great Level of the fens commonly called Bedford Level, and in the county of Cambridge, between the river Cam, otherwise Grant, West, and the hard lands of Bottisham, Swaffham Bulbeck, and Swaffham Prior, East; and for empowering the governor, bailiffs, and commonalty, of the company of conservators of the Great Level of the fens, commonly called Bedford Level, to sell certain fen lands, lying within the limits aforesaid, commonly called Invested lands.*

Preamble. Recital of an act 7 Geo. 3. The boundary inconvenient, and tolls insufficient, &c. Description of the new boundary. What lands shall be taxed. Tolls on the east bank of the river Grant. Penalty on evading the tolls. New tolls at the several sluices. On neglect of payment of tolls, collectors may seize vessels and goods, and sell the same. Exemptions from tolls. In order to ascertain the quality and quantity of goods, watermen shall give accounts thereof. Penalty on refusal, or giving a false account, which may be levied by distress. On failure of distress, offender to be committed. Half tolls only to be paid till certain sums shall be laid out. Toll at Burwell New Load. Trustees impowered to reduce the tolls. Lands dug into turf pools, unable to pay the whole tax, to pay one half for seven years. Owners may appeal. Power to appeal from former assessments. Justices not to act where interested. Satisfaction for injury done to the rush ground. Power to relieve the proprietors of adventure lands. Proviso. Persons refusing to pay taxes, one month after notice, to forfeit two pence for every shilling in arrear. Taxes and forfeitures may be levied by distress. Tenants to pay the taxes, and deduct

the same out of their rents. Grounds to remain a security for taxes, and may be sold. When taxes shall be in arrear for commons, the said commons may be let, or sold to the best bidder. Publick notice to be given of sales. Now money paid for adventure lands shall be applied. Deeds shall be registered. Lands, when sold, to be liable to taxes by this and the former act; and by act 15 Car. II. Commissioners may borrow money, and assign the rates as a security. Monies assessed by this act, charged with payment of principal and interest. Assignments may be transferred. Transfers to be entered in a book. When cattle are driven away, and goods removed, to prevent recovery of taxes, they may be distrained elsewhere. Persons digging turf-pits improperly, to forfeit 20s for every thousand of turfs. The new banks of great use to travellers. Power to erect turnpikes thereon. The tolls. Power to erect fences to prevent evading tolls. Penalty on destroying fences. Exemptions from tolls. Penalty on claiming exemptions unjustly. The clerk may adjourn meetings. Four publick meetings to be held in each year. In case of nonattendance, new commissioners may be appointed. There being only three commissioners for Bottisham, another shall be appointed. For improving the commonable parts of the lands. Fen reeves may direct the management thereof. The commissioners may determine differences. Cattle feeding contrary to agreements may be impounded, &c. Cattle shall not stop to depasture on the grounds, &c. under the Penalty of 40s. Sedge, &c. not to be cut in certain places without leave. Fen reeves to cause drove-ways to be mended, and ditches to be scoured. Charge on a commonable right not to exceed 3s. Commissioners may appoint fen reeves, if parishes neglect it. Commissioners may take earth from boutes or washes, making satisfaction to the owners. Punishment for destroying works. The last clause not to invalidate the former act. Proceedings not to be quashed for want of form nor removed into any court of record. Saving the rights of conservators. Limit of actions. General issue. Treble costs. Act 7 Geo. III. to remain in force, except where altered. Publick act.

C A P. XXXV.

An act to repeal so much of several acts of parliament, as prohibit the growth and produce of tobacco in Ireland; and to permit the importation of tobacco of the growth and produce of that kingdom into Great Britain, under the like duties and regulations as Tobacco of the growth of the British Colonies in America is permitted to be imported.

WHEREAS it is of the greatest importance to the strength and security of these kingdoms, that every attention and encouragement should be given to such of the produce and manufacture of the kingdom of Ireland as do not materially interfere with the commercial interests of Great Britain: and whereas by an act, made in the twelfth year of the reign of King Charles the Second, (intituled, An act for prohibiting the planting, setting, or sowing, of Tobacco in England or Ireland,) and by divers other acts since passed, the culture of tobacco within the kingdom of Ireland, and the exportation of the same from thence, is prohibited; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the twentieth day of May, one thousand seven hundred and seventy-nine, so much of two several acts of parliament, the one made in the twelfth

Preamble.

So much of
two acts of
12 and 15
Car. II. or of
any other acts
made in this

Kingdom,
which prohi-
bits the plant-
ing &c. of
tobacco in
Ireland, re-
pealed.

twelfth year of the reign of King *Charles* the second, (intituled, *An act for prohibiting the planting, setting, or sowing, of tobacco in England or Ireland;*) and the other made in the fifteenth year of the reign of King *Charles* the second, (intituled, *An act for the encouragement of trade;*) or of any other act made in this kingdom, which prohibits or restrains the setting, plantings, or improving to grow, making, or curing tobacco, either in seed, plant, or otherwise, in the kingdom of *Ireland*, shall be, and the same is and are hereby repealed and made void.

Irish tobacco
to be exported
to Great Bri-
tain only; un-
der the secu-
rities, &c pre-
scribed in the
navigation
act 12 Car. II.

II. And it is hereby further enacted by the authority afore-
said, That no tobacco the growth, product, or manufacture of *Ireland*, shall be exported from thence to any port or place what-
soever out of the said kingdom of *Ireland*, except to *Great Bri-
tain*; under the like securities, penalties, and forfeitures, as are
prescribed in an act, made in the twelfth year of the reign of
King *Charles* the second, (intituled, *An act for the encouraging and
increasing of shipping and navigation,*) with respect to tobacco, and
other enumerated goods of the growth, product, or manufacture,
of any of the *English* plantations therein mentioned.

The duty of
officers of the
customs in
Ireland on the
shipping of
tobacco for
exportation.

III. And it is hereby further enacted by the authority afore-
said, That when any tobacco the growth, product, or manufac-
ture of *Ireland*, shall be laden on board any ship or vessel, at any
port or place whatsoever within the said kingdom of *Ireland*,
in order to be conveyed from thence into *Great Britain*, the
collector and comptroller, or other chief officer of the customs,
at such port or place where such tobacco shall be laden, shall,
at and upon the clearing of every such ship or vessel, by the pro-
per officers of the customs appointed for that purpose, deliver to
the master, commander, or other person taking charge of any
such ship or vessel, a manifest or content in writing, under his
and their hands and seal of office, which shall contain a true ac-
count of all the tobacco laden on board every such ship or ves-
sel, with the number of hogsheds, casks, chests, or other pack-
age thereof, and the quantity of the tobacco contained in each
particular hogthead, cask, chest, or other package, together with
the marks and numbers set on each and every hogthead, cask,
chest, or other package, with the care thereof; and also shall, at
and upon the clearing of every such ship or vessel, as aforesaid,
immediately transmit a duplicate of such manifest or content to
the respective commissioners of the customs in *Great Britain*:
and any collector, comptroller, or other chief officer of the cus-
toms, at any port or place in *Ireland*, who shall neglect or re-
fuse to deliver to the master, commander, or person taking
charge of such ship or vessel, such manifest or content as is herein-
before directed, or who shall not transmit a duplicate thereof, as
hereby required, to the respective commissioners of the customs
in *Great Britain*, shall forfeit and lose the sum of two hundred
pounds; one moiety thereof to his Majesty, his heirs and suc-
cessors, and the other moiety to such person or persons as shall
sue or prosecute for the same, in any of his Majesty's courts of
record at *Westminster* or *Dublin*.

Penalty on
neglect there-
of.

IV. And

IV. And be it further enacted by the authority aforesaid, That every master, commander, or person taking charge of any ship or vessel having such tobacco laden on board as aforesaid, shall, upon his arrival at his port of discharge in *Great Britain*, and at the time he makes his report of his ship or vessel at the custom-house, deliver to the collector of the customs at the said port (who is hereby required and directed to deliver the same to the land-waiters appointed for the delivery of such ship or vessel,) the manifest or content of the lading of his ship or vessel, which he received from the collector, comptroller, or other chief officer of the customs, at the port or place in *Ireland* where he took in his lading: and if any master, commander, or person taking charge of such ship or vessel, shall neglect or refuse to deliver such manifest or content to the collector of the customs, at the time he makes his report of his ship or vessel at the custom-house at the port of his discharge, he shall forfeit and lose the sum of one hundred pounds; one moiety thereof to his Majesty, his heirs and successors, and the other moiety thereof to such officer or officers of the customs as shall sue and prosecute for the same, in any of his Majesty's courts of record, at *Westminster*, or in the court of exchequer at *Edinburgh*, respectively, where the offence shall be committed.

Every commander of a vessel exporting Irish tobacco shall, on his arrival at a British port, deliver to the collector the manifest or content of his lading which he received at the port of lading in *Ireland*.
Penalty on neglect thereof.

V. And it is hereby further enacted by the authority aforesaid, That such tobacco shall be imported into *Great Britain* in casks, chests, or cases, each of which shall contain four hundred and fifty pounds weight of nett tobacco at the least, and not otherwise; and shall be liable to the same duties, and intitled to the same discounts, allowances, and drawbacks, and in all respects subject to the same rules, regulations, restrictions, securities, penalties, and forfeitures, as tobacco the growth, product, or manufacture of the *British* colonies or plantations in *America*, is liable, subject, and intitled to by law, in as full and ample manner, as if the said duties, discounts, allowances, and drawbacks, rules, regulations, restrictions, securities, penalties, and forfeitures, and the several clauses relative thereto, had been particularly repeated and enacted in this present act.

Irish tobacco shall not be imported into *Great Britain* in casks, &c. containing less than 450lb. and shall be liable to the same duties, drawbacks, &c. as tobacco the growth of the *British* colonies in *America*.

C A P. XXXVI.

An act for erecting a market-house, and regulating the markets, within the borough of Bridgewater, in the county of Somerset; and for paving, cleansing, lighting, and watching, the streets, lanes, and other publick passages and places, within the said borough.

C A P. XXXVII.

An act for granting a bounty upon the importation into this kingdom of hemp, of the growth of the kingdom of *Ireland*, for a limited time.

WHEREAS the encouragement of the cultivation of hemp in the kingdom of *Ireland*, and the importation thereof from thence, will be a means of furnishing this kingdom with sail-cloth and

Preamble.

cordage (so essentially necessary for the supply of his Majesty's royal navy, as well as for ships employed in the merchants service) at more reasonable rates than at present, and will also tend to make the supply of the said materials cheaper and less precarious, and be a means of introducing trade, manufacture, and industry, by employing many of his Majesty's subjects within the said kingdom of Ireland; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the twenty-fourth day of June, one thousand seven hundred and seventy-nine, every person or persons who shall, within the time appointed by this act, import, or cause to be imported, into this kingdom, directly from the said kingdom of Ireland, in any ship or ships that may lawfully trade thither, manned as by law is required, any hemp water-rotted, bright and clean, of the growth of Ireland, shall have and enjoy, as a reward or premium for such importation, the following sum; (that is to say)

After June 24, 1779, the following premiums to be paid on the importation of Irish hemp;

widelicet,
For the first seven years, 8*l.* per ton;

for the next seven years, 6*l.* per ton.

and for the following seven years, 4*l.* per ton;

For every ton of such hemp so imported, from the twenty-fourth day of June, one thousand seven hundred and seventy-nine, to the twenty-fourth day of June, one thousand seven hundred and eighty-six, the sum of eight pounds sterling :

For every ton of such hemp so imported, from the twenty-fourth day of June, one thousand seven hundred and eighty-six, to the twenty-fourth day of June, one thousand seven hundred and ninety-three, the sum of six pounds sterling :

And for every ton of such hemp so imported, from the twenty-fourth day of June, one thousand seven hundred and ninety-three, to the twenty-fourth day of June, one thousand eight hundred, the sum of four pounds sterling :

To be paid upon demand to the importer of such hemp, by the collector of the port where the same shall be imported, out of the customs; and in case the collector of the port where the same shall be imported shall not have money sufficient in his hands, he is hereby required to certify the same to the commissioners of the customs, who shall cause the same to be paid by the receiver-general of his Majesty's customs; the bounty of the hemp imported into *England* to be paid by the receiver-general of the customs in *England*, and of that imported into *Scotland* to be paid by the receiver-general there.

Commissioners of the navy to have the refusal of all such hemp.

II. *And, to the end a particular benefit may accrue hereby to his Majesty's royal navy, and for the better supply of the same with naval stores, be it further enacted, That, upon the importation of any such hemp from Ireland for which a reward or premium is hereby granted, the pre-emption or refusal of such hemp shall be offered and tendered to the commissioners of his Majesty's navy upon landing the same; and if within the term of twenty days after such tender, the said commissioners shall not contract*
or

or bargain for the same, it shall and may be lawful for the importer or importers, owner or owners, of the said hemp, otherwise to dispose of the same for his or their best profit and advantage.

III. *And, in order to intitle the importer of such hemp to the premium granted by this act, and to prevent frauds by importing foreign hemp,* be it further enacted by the authority aforesaid, That all and every person or persons importing any such hemp into *Great Britain*, shall produce to the chief officer or officers of the customs, at the port of importation, a certificate or certificates, under the hands and seal of office of the collector and comptroller, or other chief officer of the customs, at the port in *Ireland* where such hemp shall be put on board; certifying, that before the departure of such ship or vessel, ships or vessels, the person or persons, merchant, trader, or factor, loading the same, had made oath before them, that the said hemp, so shipped on board, was truly and *bona fide* of the growth and produce of some place in *Ireland*; expressing in the said certificate the number, marks, and packages, of such hemp, with the name or names, place or places of abode, of the exporter or exporters from *Ireland*, and the name of the place or places in *Ireland* where the said hemp grew and was produced, together with the name or names, place or places of abode, of such person or persons as shall have sworn the hemp therein mentioned to be *bona fide* of the growth and produce of such place in *Ireland*, and where and to whom in *Great Britain* the same is consigned; and the master, or person having the charge or command of such ship or vessel, ships or vessels, importing such hemp, shall, on his arrival in this kingdom, also make oath before the collector and comptroller, or other chief officer of the customs at the port of importation, that the several packages, so marked and numbered, and the hemp contained therein, are the same packages and goods that were taken on board his said ship or vessel at the said port in *Ireland*, by virtue of the said certificate or certificates so to be produced as aforesaid; which said oaths the said officers herein-before named are respectively hereby authorized and required to administer.

Importers of hemp to produce, to the chief officers of the customs at the port of importation, a certificate from the collector, &c. at the port of lading in *Ireland*.

IV. *And, that the officers of the customs may be the better able to discover any frauds intended for receiving the aforesaid premium,* be it further enacted by the authority aforesaid, That it shall and may be lawful for the said officers, and they are hereby required, before they make out any such certificate, to examine the said hemp, by opening each package, and shifting the same, in such manner as to see the whole contents, or by such other means as they shall think proper, to find out and discover whether the said hemp is water-rotted, bright and clean, and free from any false mixture.

Officers to examine the hemp before they make out certificates.

V. Provided always, That in case any doubt or dispute shall arise between the surveyors or officers of the customs and the owners or importers of such hemp as is imported into the port of *London*, as to the quality of the same, it shall and may be lawful

Disputes between surveyors, &c. and importers of hemp, how to be settled.

for the commissioners of his Majesty's customs to call two or more merchants, manufacturers, or others, well skilled in the commodity, who shall declare upon oath, if required, their opinion as to the quality of the same, and, according to the best of their judgement determine whether the said hemp is intitled to the premium hereby granted, or not; and if any doubt or dispute shall arise as to the quality of any hemp imported into any of the out-ports in *England*, samples thereof shall be taken, and sent up to the commissioners of the customs in *London*, and into the out-ports in *Scotland*, to the commissioners of the customs at *Edinburgh*, in such manner as the respective commissioners shall direct, in order to be inspected and adjudged there as before-mentioned.

Officer demanding any reward for examining, &c. such hemp, shall forfeit his office, and sool.

VI. And be it further enacted by the authority aforesaid, That no fee, gratuity, or reward, shall be demanded, taken, or received, by any officer of his Majesty's customs, for examining, viewing, or delivering, such hemp, with respect to the premium or reward allowed by this act, or for the signing any of the certificates in order to the receiving such premium or reward, or for paying the same; and any such officer demanding or taking such fee or reward shall, for such offence, forfeit his office; and such officer shall also be incapable of serving his Majesty, his heirs and successors, and shall forfeit the sum of one hundred pounds.

Exporters of Irish hemp for which a premium has been paid shall repay the same (besides other duties) at the port of exportation;

VII. And be it further enacted by the authority aforesaid, That if any such hemp, of the growth or produce of *Ireland*, shall, after the twenty-fourth day of *June*, one thousand seven hundred and seventy-nine, be exported from *Great Britain*, that then, and in every such case, the person or persons so exporting the same shall, before the entry thereof, pay unto the collector of the customs at the port where the same shall be exported, or to the chief officer of the customs there, the full sum which is by this act allowed as a premium on all such hemp as he intends to export, over and above any duty the same is or may by law be subject to pay at exportation by any act: provided always, That the said collector or chief officer of the customs, upon receiving such premium from the exporter of such hemp, as aforesaid, shall charge himself with the money so received, or with the said premium, and the commissioners of his Majesty's customs are to take particular care that the same be duly brought to the account of his Majesty by such collector chief officer as aforesaid.

on penalty of forfeiting such hemp, and double the value thereof.

VIII. And be it further enacted by the authority aforesaid, That if any person or persons, their agents or assigns, shall be found fraudulently to export such hemp without paying such premium to the collector or chief officer of the customs in manner aforesaid, such person or persons shall forfeit and lose all such hemp, and double the value thereof; one moiety whereof shall be to the use of his Majesty, his heirs and successors, and the other moiety to the informer or prosecutor, to be prosecuted in any of his Majesty's courts of record at *Westminster*, or in the

the court of exchequer in *Scotland*, respectively, wherein no essoin, protection, or wager of law, or more than one imparlance, shall be allowed.

IX. Provided always, That if any doubt or dispute shall arise whether the hemp, or any part thereof, so to be exported, is of the growth, product, or manufacture of *Ireland*, or of foreign growth, product, or manufacture, the *onus probandi* shall lie on the owner or claimer thereof, and not on the informer or prosecutor; any law, custom, or usage, to the contrary notwithstanding.

In case of dispute whether the hemp be the produce of *Ireland*, the *onus probandi* to lie on the owner.

X. And be it further enacted by the authority aforesaid, That if the master or owner of any ship or vessel shall clandestinely import or receive in such ship or vessel, to be imported into *Great Britain*, any hemp, knowing the same to be foreign hemp, and shall demand or receive for any such foreign hemp the reward or premium hereby granted, such master or owner shall forfeit the sum of one hundred pounds, to be sued for and recovered in manner as aforesaid; and the ship or vessel in which such foreign hemp shall be so fraudulently imported, with all her guns, tackle, apparel, and furniture, shall be forfeited to the King's majesty, his heirs and successors.

Penalty on importing foreign hemp as Irish hemp, and demanding a premium for the same.

C A P. XXXVIII.

An act for altering the times of holding the Martinmas and Candlemas terms in the court of exchequer in Scotland.

WHEREAS the terms of Martinmas and Candlemas, as they are at present kept, for the sitting of the court of exchequer in *Scotland*, have been found inconvenient: and whereas it would be more convenient for the subjects of *Scotland* that the said terms were altered; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That *Martinmas* term, for the said court of exchequer, shall, at all times hereafter, begin on the twenty-fourth day of *November*, and end upon the twentieth day of *December*; and that *Candlemas* term, for the said court, shall, at all times hereafter, begin on the fifteenth day of *January*, and end on the third day of *February*; except any of the said days, upon which the said terms are appointed to begin or end, shall happen to be a *Sunday*, in which case the beginning or ending of such term in which that happens shall be upon the day following.

Preamble.

Martinmas term, in the court of exchequer in *Scotland*, to begin Nov. 24, and end Dec. 20; and *Candlemas* term to begin Jan. 15, and end Feb. 3.

C A P. XXXIX.

An act for paving, repairing, cleansing, and lighting, the town and borough of Burton upon Trent, in the county of Stafford; and for removing and preventing obstructions and annoyances therein.

C A P.

C A P. XL.

An act for better securing the duties on starch.

Preamble.

WHEREAS, notwithstanding the many laws made for securing the revenues on starch, and for protecting the fair trader, many gross frauds are daily practised by evil-minded and indigent persons, who are encouraged in such practices, not only from the great length of time allowed by those laws for the payment of the duties on starch, but also for want of some further regulations in the manner of carrying on the starch-making business; for remedy whereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of July, one thousand seven hundred and seventy-nine, no person or persons whatsoever, residing within the limits of the head office of excise in London, shall be permitted to make entry of any work-house or place for the making of starch, as required by the statutes in that case already made and provided, unless such person or persons shall occupy a tenement or tenements of the yearly value of ten pounds, or upwards, and for which he, she, or they shall accordingly be assessed in their own name, and shall also pay to the parish rates; and that no person or persons whatsoever, residing in any other part of the kingdom where there are rates to church and poor, shall be permitted to make any such entry, unless such person or persons shall be assessed and pay to church and poor, in the several parishes and places in which they shall respectively reside; and that no entry of any workhouse or place for making of starch, already made or hereafter to be made as required by the statutes in that case made and provided, shall be of any avail to any person or persons not so qualified, or for any longer time than the person or persons so making entry shall be qualified as aforesaid; and every person making starch, and not qualified as aforesaid, shall, notwithstanding any entry by him or them made, be deemed and taken to be persons making starch without entry, and shall be subject to the like penalties and forfeitures as persons making starch without entry are, by the statutes in such case made and provided, now subject unto.

After July 5, 1779, no person, within the limits of the excise office in London shall make entry of any work-house for making starch, unless he shall occupy a tenement of 10l. a year, and pay parish rates; and no person, in any other part of the kingdom, shall make such entry, unless he shall pay to church and poor.

Recital of an act 10. Anna.

II. *And whereas, by an act passed in the tenth year of the reign of her late majesty Queen Anne, (intituled, An act for laying additional duties on hides and skins, vellum and parchment, and new duties on starch, coffee, tea, drugs, gilt and silver-wire, and policies of insurance, to secure a yearly fund for satisfaction of orders to the contributors of a further sum of one million eight hundred thousand pounds towards her Majesty's supply; and for the better securing the duties on candles; and for obviating doubts concerning certain payments in Scotland; and for suppressing unlawful lotteries, and other devices of the same kind; and concerning cake-soap; and for relief of Mary Ravenall, in relation to an annuity of eighteen pounds per Annum; and concerning* prize

prize cocoa nuts brought from *America*; and certain tickets which were intended to be subscribed into the stock of the *South Sea* company; and for appropriating the monies granted in this session of parliament;) it was, amongst other things, enacted, That all and every person and persons whatsoever, who should make any starch in London, Westminster, or in any parts within the weekly bills of mortality, should monthly, and every month; and all and every person or persons whatsoever, who should make any starch in any other part of Great Britain, should, once in every six weeks, make a true entry in writing, at the next office for the said duties, of all the starch by him, her, or them, severally made within such month, or six weeks, respectively; which entries were to be made in manner as is therein expressed: and it was further enacted by the said act, That all and every person, who should make any starch in London or Westminster, or within the limits of the said weekly bills of mortality, should, within four weeks; and all and every person whatsoever, who should make any starch in any other parts of Great Britain, should, within six weeks, after he, she, or they, should have made, or ought to have made, such entry as aforesaid, pay and clear off all the said duties upon starch, which should be due from him, her, or them respectively; and that all and every such makers of starch, who should refuse or neglect to make such payment as aforesaid, should forfeit and lose, for every such offence, double the sum of the said duty: and whereas the allowance of so long a time for the making of the entries, and for the payment of the duties, as aforesaid, hath been found prejudicial to the revenue, and also to the fair trader, as evil-minded and indigent persons have been encouraged thereby to make starch, and have made entry of the starch by them made, but have neglected to pay the duty when due, and before the time that the duty could be recovered have absconded from their respective dwelling-places, or by other methods have evaded the payment of the same, be it therefore enacted by the authority aforesaid, That, from and after the fifth day of July, one thousand seven hundred and seventy-nine, the above recited clauses, and every article, matter, and thing, therein contained, shall be, and are hereby repealed, and made null and void; save only and except in all cases relating to the recovering any arrears which may at that time remain unpaid of the said duties, or to any penalty or forfeiture which shall have been incurred upon, or at any time before, the said fifth day of July, one thousand seven hundred and seventy-nine; any thing herein contained to the contrary notwithstanding.

Certain
Clauses in the
said act re-
pealed.

III. And be it further enacted by the authority aforesaid, That, from and after the said fifth day of July, one thousand seven hundred and seventy-nine, all and every person whatsoever, who shall make any starch, shall, weekly and every week, make a true entry in writing, at the next office for the duties on starch, of all the starch by him, her, or them, severally made within each week, which said entries shall contain the weight of all the starch mentioned therein respectively, and what quantity thereof was made at each making in that week, on pain to forfeit, for every neglect, the sum of fifty pounds; which entries shall

After July 5,
1779, starch-
makers to
make entries,
on oath,
weekly, par-
ticularising
the quantity
made at each
making;
on penalty
of 50*l*.

shall be made upon oath by the maker of such starch, or by their chief workman or servant employed in making the same, according to the best of their knowledge and belief, unless such maker, workman, or servant, be a known quaker, and the solemn affirmation of such maker, workman, or servant, to the same effect, in case he or she be a known quaker, shall and may be taken instead of such oath; and the said entries, oaths and affirmations to verify the same, shall, for such starch as shall be made within the limits of the chief office of excise in *London*, be made with and administered by such officer or officers as shall be appointed by the commissioners for the duties on starch in *England*, or the major part of them for the time being; and for all starch made in all other parts of *Great Britain*, with and by the collectors and supervisors of the district or division within which the respective makers of starch shall inhabit, without any fee or charge whatsoever to be taken or demanded for the same.

Starchmakers
to pay the
duties within
a week after
the time of
entry,

or forfeit
double the
sum neglected
to be paid.

IV. And be it further enacted by the authority aforesaid, That all and every person and persons whatsoever, who shall make any starch in *Great Britain*, shall, within one week after he, she, or they, shall make, or ought to have made, such entry as aforesaid, pay and clear off all the duties for starch which shall be due from him, her, or them, respectively; and and that all and every such maker of starch, who shall refuse or neglect to make such payment as aforesaid, shall forfeit and lose, for every such offence, double the sum of the said duty whereof the payment shall be so refused or neglected; and that no such makers of starch, after such default in payment made, shall sell, deliver, or carry out, any starch, until he hath paid and cleared off his duty, as aforesaid, on pain to forfeit double the value of such starch so delivered or carried out.

Proviso.

V. Provided always, That no maker of starch shall be obliged to go or send further than the market-town where his or her starch is made, or the next market-town to the place where his or her starch is made, for the making such entries, or the payment of the said duties.

Starchmakers
to give proper
notice to ex-
cise officers
before they
begin to empty
their vats;

VI. And, for the better preventing the frauds frequently committed by divers makers of starch, by emptying the vat or vats made use of for making of starch in the absence of the excise officer, be it enacted by the authority aforesaid, That, from and after the fifth day of *July*, one thousand seven hundred and seventy-nine, every maker of starch, before he, she, or they, do begin to empty or wash out any of the vat or vats, made use of by him, her, or them, in preparing or making of starch, he, she, or they, shall give to the officer of excise of the division or district where his, her, or their starch-house is situate, twelve hours notice, if such starch-house shall be within the limits of the chief office of excise in *London*; or if such starch-house shall be in any other part of *Great Britain*, twenty-four hours notice of the particular time and hour when and at which he, she, or they, intend to begin to empty or wash out such vat or vats; and in case such maker or makers of starch shall

shall not begin to empty or wash out the said vat or vats, at the hour and times mentioned in such notice, or within two hours next after, then every such notice shall be, and is hereby declared to be, void, and every such maker and makers of starch shall, and is hereby obliged to give a fresh and like notice in manner aforesaid: and in case any such maker or makers of starch shall neglect or refuse to give such first notice before he begins to empty or wash out his, her, or their vat or vats, or to insert in such notice the particulars herein-before required, or to give a fresh notice in manner aforesaid, before he begins to empty or wash out the vat or vats, in case he, she, or they, shall not begin and proceed to empty or wash out the said vat or vats at the hour and time mentioned in the said first notice, or within two hours next afterward, such maker or makers of starch shall, in every such case, for every such offence, forfeit and lose the sum of one hundred pounds.

on forfeiture
of 100*l*.

VII. And be it further enacted by the authority aforesaid, That when and so soon as the said vat or vats shall be so emptied or washed out, as aforesaid, and the waters shall be put into the frames, tubs, or other utensils, used for preparing and making the same into starch, the said waters shall remain unmoved and undisturbed in the same frames, tubs, or utensils, for the space of forty-eight hours, at least, from the time of emptying and washing out the said vat or vats, agreeable to the said notice, and that the slimes and wash shall not, during the said space of forty-eight hours, be taken off the same: And that the officers for the duties upon starch may be able to ascertain when the said waters were so put into the said frames, tubs, or utensils, after the said vat or vats have been emptied or washed out, as aforesaid, every maker of starch shall give, or cause to be given, to the officer of excise under whose survey such maker of starch shall then be, a notice in writing, specifying therein the particular hour or time of the day when such maker of starch did finish the emptying or washing out of each and every vat and vats; and if any maker or makers of starch shall, after the said fifth day of *July*, one thousand seven hundred and seventy-nine, neglect to deliver such notice as last aforesaid, he, she, or they, shall, for every such neglect, forfeit and lose the sum of one hundred pounds.

After the vats
are emptied,
the waters
shall remain in
the frames,
&c. undisturbed for 48
hours.

Starchmaker
to give the of-
ficer a notice
in writing
specifying the
hour when
each vat was
emptied;

on forfeiture
of 100*l*.

VIII. And be it further enacted by the authority aforesaid, That whenever any maker or makers of starch shall be desirous to take off from the four waters the slimes or wash so put into the frames, tubs, or utensils, after the same shall have been and have remained unmoved and undisturbed for the space of forty-eight hours, as aforesaid, he, she, or they, shall give to the officer of excise of the division or district, where his, her, or their starch-house is situate, twelve hours notice, if such starch-house shall be within the limits of the chief office of excise in *London*, or if such starch-house shall be in any other part of *Great Britain*, twenty-four hours notice, of the particular time and hour when and at which he intends to take off such slimes

Starchmakers
to give proper
notice to offi-
cers before
they take off
the slimes and
wash from the
four waters;

on forfeit-ure
of 100/.

When the
slimes are put
into a tub,
&c. they shall
remain there
24 hours.

Starchmaker
disturbing
them during
that time,
&c. shall for-
feit 100/.

Duty on starch
to be paid ac-
cording to the
gauge taken
in the four
waters.

Starchmakers
to give notice
to officers be-
fore they box
their starch,
particularis-
ing the frame,
tub, &c. from
which it is to
be boxed;

and wash; and in case such maker or makers of starch shall not begin and proceed to take off the slimes and wash as aforesaid at the time and hour mentioned in such notice, or within two hours next after, then every such notice shall be, and is hereby declared to be, void, and every such maker and makers of starch shall be, and is hereby obliged to give a fresh and like notice, in manner aforesaid; and in case any such maker or makers of starch shall neglect to give such first notice before he begins to take off such slimes or wash, or to insert in such notice the particulars herein-before required, or to give a fresh notice, in manner aforesaid, before he begins to take off such slimes or wash, in case he, she, or they, shall not begin and proceed to take off such slimes and wash at the hour and time mentioned in the said first notice, or within two hours next afterwards, such maker or makers of starch shall, in every such case, for every such offence, forfeit and lose the sum of one hundred pounds.

IX. And be it further enacted, That when the slimes shall be taken off, as aforesaid, and the same shall be put into any tub or tubs, or other utensil, the same shall remain in the same tub or tubs, or other utensils, into which the same shall have been first put, for the space of twenty-four hours after the same shall have been so taken off; and if any maker or makers of starch shall move or disturb the waters after the same shall have been so emptied or washed out of the vat or vats into any frame, tub, or utensil, or shall take off the slimes or wash during the space of forty eight-hours, as aforesaid, or shall move or disturb the slimes after the same shall have been put into such tub or tubs, or other utensil, during the space of twenty-four hours, as aforesaid, then, and in every such case, such maker and makers of starch shall, for every such offence, forfeit and lose the sum of one hundred pounds.

X. And, the better to prevent any frauds by the secreting or concealing of starch, be it enacted by the authority aforesaid, That in case any officer or officers for the said duties upon starch shall at any time miss any quantity or quantities of starch, of which an account had been taken by gauge, whilst the same was in the four waters or slimes, respectively, and before the said starch has been put into the boxes, and shall not, upon reasonable demand, receive satisfaction what is become of the same, then, and in every case, it shall and may be lawful for such officer or officers to charge the maker of such starch according to the gauge taken of the same in the four waters or slimes, as aforesaid, respectively, and every such maker shall pay the duty so charged.

XI. And, for the further securing the duty on starch, be it further enacted by the authority aforesaid, That from and after the said fifth day of July, one thousand seven hundred and seventy-nine, when any maker or makers of starch shall give notice of his intention to box, as required by an act, made in the fourth year of the reign of his late majesty King George the Second, (intituled, *An act to prevent frauds in the revenue of excise with*

with respect to starch, coffee, tea, and chocolate), every such maker of starch shall, in each such notice, express and declare the particular frame, tub, or other utensil, from which he, she, or they, intend to box any starch; and that when any such maker or makers of starch shall begin to box such starch, they shall proceed and continue to box the same until the whole quantity of starch in each such frame, tub, or other utensil, shall be perfectly boxed; and if any maker or makers of starch shall, at any time after the said fifth day of *July*, one thousand seven hundred and seventy-nine, neglect to give notice of his intention to box his green starch, or shall neglect to insert in every such notice the particular frame, tub, or other utensil, from which the starch is intended to be boxed as aforesaid, or shall not proceed or continue to box the whole quantity of starch in any such frame, tub, or other utensil, after such notice as aforesaid, every such maker or makers of starch shall, in every such case, for every such offence, forfeit and lose the sum of two hundred pounds; any law, custom, or usage, notwithstanding.

on forfeiture
of 200l.

XII. And be it further enacted by the authority aforesaid, That, from and after the said fifth day of *July*, one thousand seven hundred and seventy-nine, every maker of starch shall deliver to the officer who surveys his or their starch-house an account, in writing, containing as well an exact description of each and every room and place, by him, her, or them, made use of for the making, drying, or keeping of starch, as also of each and every vessel or utensil by him, her, or them, made use of for the making of starch, before he, she, or they, presume to use the same; all which said rooms and places, vessels and utensils, shall be marked and numbered by, or by the direction of, the respective surveyors or supervisors of excise who survey the respective makers of starch, to whom such rooms and places, vessels and utensils, respectively belong, at the expence of such respective makers; and if any such maker of starch shall make use of any room or place, vessel or utensil, for the making of starch, without giving such account as aforesaid, or before the same shall have been marked and numbered as aforesaid, or shall refuse to pay for the marking and numbering the same, he, she, or they shall, for every such offence respectively, forfeit and pay the sum of fifty pounds.

Starchmaker
to deliver to
the officer a
description of
every room,
&c. by him
used for mak-
ing starch,

which shall be
marked and
numbered;

on forfeiture
of 50l.

XIII. And be it further enacted, That, from and after the fifth day of *July*, one thousand seven hundred and seventy-nine, whenever any maker or makers of starch shall have broken the starch from his, her, or their boxes, he, she, or they, shall deliver, or cause to be delivered, to the officer of excise under whose survey such maker of starch shall then be, an account in writing, of the true number of pieces broken from such box, distinguishing, in such writing, the size of the different pieces, under the different denominations following; that is to say, large, middling, and small, and how many pieces of each denomination are contained in each breaking from the boxes: and in case any such maker of starch shall neglect to deliver to such

When starch-
makers break
any pieces of
starch from
their boxes,
they shall de-
liver a parti-
cular account
thereof to the
officer;

on forfeiture
of 100l.

officer

officer such account, in writing, distinguishing therein as aforesaid; or if, after such account given in as aforesaid, any officer of excise shall discover, in any place whatsoever, entered or not entered, any increase in the number of pieces, or a greater number of the large or midling pieces than were particularly specified in such writing, then, and in every such case, every such maker and makers of starch shall, for each offence, forfeit and lose the sum of two hundred pounds.

When starch is put into the stove for drying, the pieces to be so placed that the officers may be able to count them.

Starchmakers to provide ladders, and assist the officers in taking account of the pieces of starch; and to do nothing to obstruct them therein;

on forfeiture of 400/.

Starchmaker to give proper notice to officer before he

XIV. And be it further enacted by the authority aforesaid, That, from and after the said fifth day of *July*, one thousand seven hundred and seventy-nine, whenever any maker or makers of starch shall put their starch when scraped, or when put into the papers, into the stove or stoves for drying the same, every such maker of starch shall place, or cause to be placed, the several pieces of starch so put into such stove or stoves, in such manner as that the officers of excise may have access to, and be able to count distinctly the number of the several pieces of starch so put into such stove or stoves.

XV. And, that such officers of excise may, without inconvenience or hurt, be able to count the said pieces in such stove or stoves, it is hereby enacted, That, from and after the said fifth day of *July*, one thousand seven hundred and seventy-nine, every maker of starch shall provide proper ladders, and shall assist the said officers in taking an account of the said several pieces of starch in such stove or stoves; and that no maker or makers of starch shall, by himself, or by any other person, during the space of two hours after such officer shall have entered the stove of any such starch-maker, for the purpose of counting the number of pieces of starch then in such stove, stir or break up the fire under the said stove, nor shall, during the said space of two hours, whilst such officer remains in such stove, throw, or cause to be thrown, upon the pan of such stove, any dirt, meal, or other ingredient, whereby a smother may be raised, or the officer hindered or obstructed in counting the pieces of starch in the said stove; and if any such maker or makers of starch shall not so place the several pieces of starch in their respective stove or stoves as aforesaid, as that the officers of excise may distinctly count the same; or if such maker or makers of starch shall not provide proper ladders, or shall not assist the said officers in taking the account as aforesaid; or shall by stirring up the fire, or by any means whatsoever, hinder or obstruct the officers of excise from going into, and continuing in the said stove or stoves, during the space of two hours, as aforesaid, or until such officer shall have taken the account of all the said pieces, if the same shall be done within the said space of two hours; then, and in every such case, the person offending therein shall, for every such offence, forfeit and lose the sum of two hundred pounds.

XVI. And be it further enacted by the authority aforesaid, That, from and after the said fifth day of *July*, one thousand seven hundred and seventy-nine, when any maker or makers of

of starch shall be desirous to break down any piece or pieces of starch into scrapings, or otherwise, he, she, or they, shall give to the officer of excise of the division or district where his, her, or their starch-house is situate, twelve hours notice, if such starch-house shall be situate within the limits of the chief office of excise in *London*; or if such starch-house shall be in any other part of *Great Britain*, twenty-four hours notice of the particular time and hour when and at which he, she, or they intend to break down such pieces of starch into scrapings, or otherwise; and in case such maker or makers of starch shall not begin and proceed to break down such pieces of starch as aforesaid, at the time and hour mentioned in such notice, or within two hours next after, then every such notice shall be, and is hereby declared to be, void; and every such maker and makers of starch shall be, and is and are hereby obliged to give a fresh and like notice in manner aforesaid: and in case any such maker or makers of starch shall neglect to give such first notice, before he, she, or they, begin to break down such pieces of starch, or to insert in such notice the particulars herein-before required, or to give a fresh notice in manner aforesaid, every such maker of starch shall, in every such case, for every such offence, forfeit and lose the sum of one hundred pounds.

break down
any pieces of
starch into
scrapings;

on forfeiture
of 100*l*.

XVII. And be it further enacted by the authority aforesaid, That, from and after the said fifth day of *July*, one thousand seven hundred and seventy nine, if any officer for the duties on starch shall discover and find, in the stove or stoves of any maker of starch, any piece or pieces of starch drying in such stove or stoves, of which no account had been before taken in the box or boxes, by the officer for the duties on starch, then, and in every such case, each and every such piece and pieces of starch shall be deemed, and is and are hereby declared to be, starch of which no account had been taken by the officer for the said duties upon starch; and the maker or makers of such starch, in whose stove such piece or pieces shall be so discovered and found, shall forfeit and lose, for every such offence, the sum of one hundred pounds.

If officer shall
find, drying
in the stove,
any piece of
starch of
which no ac-
count had
been taken in
the box, the
maker shall
forfeit 100*l*.

XVIII. And be it further enacted by the authority aforesaid, That, from and after the fifth day of *July*, one thousand seven hundred and seventy-nine, if any maker of starch shall, at any time whilst his starch is in operation, and under water, mix, or cause to be mixed, any of the starch-waters of one making with those of another making, every such maker of starch shall forfeit and lose, for every such offence, the sum of one hundred pounds, except such mixing be made in the presence of an officer for the duties on starch.

Starchmaker
mixing the
starch-waters
of different
makings,
while his starch
is under water,
shall forfeit
100*l*. except
it be done in
presence of an
officer.

XIX. And whereas fraudulent starch-makers have, in many instances, been rather encouraged in carrying on their frauds, by reason of the smallness of the penalties already provided in these cases; now, for the more effectual preventing the like frauds, be it further enacted by the authority aforesaid, That if, after the said fifth day of *July*, one thousand seven hundred and seventy-nine, any maker

Starchmaker
removing any
starch, after
it is dried, out
of his stove,
&c. before
weighing, and
of an account

thereof taken
by officers,
shall forfeit
200*l*.:

of starch shall remove, or cause to be removed, any quantity whatsoever of starch, after the same shall be dried, out of his, her, or their stove or stoves, or out of any other place or places, made use of by them for the drying of starch, before the same has been weighed, and an account taken thereof, by the proper officer appointed for that purpose, he, she, or they, shall respectively forfeit and lose, for every such offence, the sum of two hundred pounds; any law, custom, or usage, to the contrary notwithstanding.

and conceal-
ing starch,
with intent to
defraud his
Majesty, shall
forfeit 100*l*.

XX. And be it further enacted by the authority aforesaid, That, from and after the said fifth day of *July*, one thousand seven hundred and seventy-nine, if any maker of starch shall fraudulently hide or conceal, or shall cause or suffer to be hid or concealed, any starch, to the intent to deceive his Majesty of the just duties chargeable on the same, that then, and in every such case, the party so offending shall forfeit and lose the sum of one hundred pounds; any law, custom, or usage, notwith- standing.

Starchmaker
obstructing
officer in per-
forming his
duty, to for-
feit 50*l*.

XXI. And be it further enacted by the authority aforesaid, That, from and after the said fifth day of *July* one thousand seven hundred and seventy-nine, if any maker of starch shall obstruct or hinder any of the officers for the duties upon starch, in the execution of any of the powers and authorities given to him or them by this or any other act, for the ascertaining and securing the duties upon starch, the person or persons offending therein shall, for every such offence, forfeit and lose the sum of fifty pounds.

Penalties and
forfeitures
how to be re-
covered and
applied.

XXII. And be it further enacted by the authority aforesaid, That all fines, penalties, and forfeitures, imposed by this act, shall be sued for, recovered, levied, or mitigated, by such ways, means, and methods, as any fine, penalty, or forfeiture, is or may be sued for, recovered or mitigated, by any law or laws of excise; or by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland*, respectively; and that one moiety of every such fine, penalty, or forfeiture, shall be to his Majesty, his heirs and successors, and the other moiety to him or them who shall discover, inform, or sue for the same.

General issue.

XXIII. And be it further enacted by the authority aforesaid, That if any person or persons shall, at any time or times, be sued, molested, or prosecuted, for any thing by him or them done in pursuance or by colour of this act, or of any matter or thing in this act contained, such person and persons shall and may plead the general issue, and give this act, and the special matter, in evidence in his or their defence; and if afterwards a verdict shall pass for the defendant or defendants, or the plain- tiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or prosecution, or judgement shall be given against him, her, or them, upon demurrer or otherwise, than such defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs.

Treble costs.

C A P. XLI.

An act for granting a drawback of the duties, imposed by an act of the last session of parliament, upon all foreign wines exported from Great Britain to any British colony or plantation in America, or to any British settlement in the East Indies.

WHEREAS, by an act of parliament, made in the eighteenth year of his Majesty's reign, (intituled, An act for granting to his Majesty several additional duties upon wines and vinegar imported into this kingdom,) it was, amongst other things, provided and enacted, That, upon the exportation of any sort of wines (except French wines) from this kingdom to any British colony or plantation in America as merchandize, the exporter should be paid and allowed a drawback of all the before-mentioned duties paid upon the importation of such wine by virtue of the said recited act, except the sum of three pounds, thirteen shillings, and sixpence per ton: And whereas, in order to promote and encourage the exportation of wines from this kingdom to the British colonies or plantations in America, and to the British settlements in the East Indies, it is expedient to allow the drawback of all the duties granted by the said recited act upon the exportation of all foreign wines so exported to those places; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the twenty-fourth day of April, one thousand seven hundred and seventy-nine, upon the exportation of any French wine, or any other foreign wines, from this kingdom, to any British colony or plantation in America, or to any British settlement in the East Indies, as merchandize, the exporter shall be paid and allowed a drawback of all the duties before-mentioned, which were paid upon the importation of such wine by virtue of the said herein-before recited act of parliament, made in the eighteenth year of his Majesty's reign; any thing in the said act to the contrary notwithstanding: which drawback or allowance shall be made in such manner, and under such rules, regulations, securities, penalties, and forfeitures, in all respects, as any former drawback or allowance, payable out of the duties of customs upon the exportation of such wine, was, could, or might be made, before the passing of this act.

Preamble.
Recital of an
act 18 Geo. 3.

A drawback
of all the du-
ties laid, by
the said act,
on the impor-
tation of fo-
reign wines
shall be allow-
ed on the ex-
portation
thereof to
America, or
the East
Indies.

C A P. XLII.

An act to enable the trustees for putting in execution an act of the ninth year of the reign of his present Majesty, for building a bridge at Worcester over the river Severn, and for opening convenient avenues to the said bridge, to finish and complete the said bridge, and to carry the purposes of the said act into execution.

C A P. XLIII.

An act for the more easy and speedy recovery of small debts within the soke of Horncastle, and wapentakes of Wraggoe and Gartree (except the parish of Great Sturton,) and within the wapentakes of Louth, Eske, Ludborough, and Calceworth, and the parishes of Wrangle, Leake, Leverton, Benington, Butterwick, Freiston, and Fishtoft, in the hundred of Skirbeck, in the county of Lincoln.

C A P. XLIV.

An act for the further relief of protestant dissenting ministers and schoolmasters.

Preamble;
reciting the
toleration
act 1 Gul. &
Mar.

WHEREAS, by an act made in the first year of the reign of king William and queen Mary, (intituled, An act for exempting their Majesties protestant subjects, dissenting from the church of England, from the penalties of certain laws,) persons dissenting from the church of England, in holy orders, or pretended holy orders, or pretending to holy orders, and preachers or teachers of any congregation of dissenting protestants, are required, in order to be entitled to certain exemptions, benefits, privileges, and advantages, to declare their approbation of, and to subscribe, the articles of religion mentioned in the statute made in the thirteenth year of the reign of Queen Elisabeth, (except as in the said act, made in the first year of the reign of King William and Queen Mary, is excepted:) and whereas many such persons scruple to declare their approbation of, and to subscribe, the said articles not excepted as aforesaid: for giving ease to such scrupulous persons in the exercise of religion, may it please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That every person dissenting from the church of England, in holy orders, or pretended holy orders, or pretending to holy orders, being a preacher or teacher of any congregation of dissenting protestants, who, if he scruple to declare and subscribe as aforesaid, shall take the oaths, and make and subscribe the declaration against popery, required by the said act, in the first year of the reign of King William and Queen Mary, to be taken, made, and subscribed by protestant dissenting ministers, and shall also make and subscribe a declaration in the words following; *videlicet*,

* Protestant dissenting ministers, who shall take the oaths and subscribe the declaration against popery required by the said act, and shall also make and subscribe the following declaration,

I A. B. do solemnly declare, in the presence of almighty God, that I am a christian and a protestant, and as such, that I believe that the scriptures of the old and new testament, as commonly received among protestant churches, do contain the revealed will of God; and that I do receive the same as the rule of my doctrine and practice.

shall be intituled to all the privileges granted by the toleration act, and by an act 10 Ann. for confirming the same, &c.

shall be, and every such person is hereby declared to be, entitled to all the exemptions, benefits, privileges, and advantages, granted to protestant dissenting ministers by the said act, made in the first year of the reign of King William and Queen Mary; and by an act, made in the tenth year of the reign of Queen Anne, (intituled, *An act for preserving the protestant religion, by better securing the church of England, as by law established; and for confirming the toleration granted to protestant dissenters by an act, intituled, An act for exempting their Majesties protestant subjects, dis-*

dissenting from the church of *England*, from the penalties of certain laws; and for supplying the defects thereof; and for the further securing the protestant succession, by requiring the practisers of the law in North Britain to take the oaths and subscribe the declaration therein mentioned;) and the justices of the peace at the general session of the peace to be holden for the county or place where any protestant dissenting minister shall live, are hereby required to tender and administer the said last-mentioned declaration to such minister, upon his offering himself to make and subscribe the same, and thereof to keep a register; and such minister shall not give or pay, as a fee or reward to any officer or officers belonging to the court aforesaid, above the sum of sixpence for his or their entry of such minister's making and subscribing the said last-mentioned declaration, and taking the oaths, and making and subscribing the declaration against popery, required by the said act, made in the first year of the reign of King *William* and Queen *Mary*, to be taken, made, and subscribed by protestant dissenting ministers; nor above the sum of sixpence for any certificate thereof to be made out and signed by the officer or officers of the said court; and every such person, qualifying himself as aforesaid, shall be exempted from serving in the militia of this kingdom; and shall also be exempted from any imprisonment, or other punishment, by virtue of an act, made in the thirteenth and fourteenth years of the reign of King *Charles* the Second, intituled, *An act for the uniformity of publick prayers, and administration of sacraments, and other rites and ceremonies; and for establishing the form of making, ordaining, and consecrating, bishops, priests, and deacons, in the church of England*; or by an act made in the fifteenth year of the same reign, intituled, *An act for relief of such persons as by sickness, or other impediment, were disabled from subscribing the declaration in the act of uniformity, and explanation of part of the said act*; for preaching or officiating in any congregation of protestant dissenters, for the exercise of religion permitted and allowed by law.

and shall be exempted from serving in the militia, and from any punishment by virtue of the act of uniformity, &c.

II. And be it further enacted by the authority aforesaid, That no dissenting minister, nor any other protestant dissenting from the church of *England*, who shall take the aforesaid oaths, and make and subscribe the above-mentioned declaration against popery, and the declaration herein-before mentioned, shall be prosecuted in any court whatsoever, for teaching and instructing youth as a tutor or school-master; any law or statute to the contrary notwithstanding.

Dissenters, qualifying themselves as aforesaid, allowed to instruct youth.

III. Provided always, That nothing in this contained shall extend, or be construed to extend, to the enabling of any person dissenting from the church of *England* to obtain or hold the mastership of any college or school of royal foundation, or of any other endowed college or school for the education of youth, unless the same shall have been founded since the first year of the reign of their late majesties King *William* and Queen *Mary*, for the immediate use and benefit of protestant dissenters.

No dissenter to hold the mastership of any college or school of royal foundation, &c.

IV. And whereas it hath been doubted whether the said act, made

The said act in 1 Gul. & Mar.

and this act,
to be deemed
publick acts.

in the first year of the reign of King William and Queen Mary, be a publick or private act; be it enacted and declared, That the said act, and also this present act, shall be adjudged, deemed, and taken to be publick acts; and shall be judicially taken notice of as such, by all judges, justices, and other persons whomsoever, without specially pleading them, or either of them.

C A P. XLV.

An act to enable the chancellor and council of the duchy of Lancaster to sell and dispose of certain fee-farm rents, and other rents, and to enfranchise copyhold and customary tenements, within their survey, and to encourage the growth of timber on lands held of the said duchy.

Preamble.

Recital of
two acts 22
and 23 Car. 2;

and of an act
1 Anne.

WHEREAS by an act of parliament, passed in the twenty-second year of the reign of his late majesty King Charles the second, intituled, An act for advancing the sale of fee-farm rents and other rents; and by another act, passed in the twenty-second and twenty-third years of the same king, intituled, An act for vesting certain fee-farm rents, and other small rents, in trustees; or one of them, all the fee-farm rents, rents service, rents seck or dry rents, chantry rents, guild rents, castle guard rents, and other rents, within the survey of the duchy of Lancaster, due and payable to the said late King, his heirs and successors, (except as therein mentioned) were vested in certain trustees, and their heirs, with powers for them to make sale thereof, for the benefit of the said King, his heirs and successors, with a proviso therein contained, that until sale should be made of the said rents by the said trustees, the King's receivers should collect and receive the same: and whereas, by an act of the first year of the reign of her late majesty Queen Anne, intituled, An act for the better support of her Majesty's household, and of the honour and dignity of the crown, divers wholesome provisions were made for the preservation, improvement, and increase of the land revenues of the crown, and for preventing the alienation of any manors, messuages, lands, tenements, rents, tythes, woods, or other hereditaments, belonging to her said late Majesty, her heirs or successors, with a proviso therein contained, that the said act should not disable the trustees for sale of fee-farm and other rents, to execute any the trusts of the said several acts of parliament herein-before mentioned: and whereas several of the said rents within the survey of the said duchy of Lancaster were sold under the said authority so given to the said trustees, but the residue thereof, consisting of many small rents, arising and payable in divers counties, remain unsold, the collecting and payment whereof is not only chargeable to the crown, but is troublesome and inconvenient to the subject; but forasmuch as the said trustees, who were six in number, are all long since dead, and it has not been discovered which of them was the survivor, or who is or are the heir or heirs of such survivor, or in whom the legal estate in the said unsold rents is now vested, for which reasons no complete sale thereof can be effected, nor a good title made thereto, without the further aid of parliament: And whereas the King's majesty is seised to himself, his heirs and successors, as parcel of the possessions of the said duchy of Lancaster, of divers honours, ma-
nors.

manors, and lordships, within which are divers tenants holding of his Majesty customary or copyhold messuages, lands, and tenements, parcel of the said honours, manors, or lordships, in respect of which said messuages, lands, and tenements, the said tenants are subject, upon descent or alienation thereof, to the payment of fines, either arbitrary or certain, heriots, reliefs, and other dues, according to the respective customs of the said honours, manors, or lordships, over and besides the yearly quit rents issuing and payable thereout: and whereas it would tend greatly to the relief of the said tenants, and to the improvement of their respective estates, if the same could be enfranchised and discharged from the said burthens incident to their respective tenures; but the same cannot be done without the aid of parliament: Be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That so much of the said several recited acts of the twenty-second year of the reign of King Charles the second, and the twenty-second and twenty-third years of the reign of the same King, as relates to or concerns any fee-farm rents, or other rents whatsoever, remaining unsold by the said trustees, and now in the survey or receipt of the duchy of Lancaster, or the officers thereof, or to the appropriation of the money to arise by any sale or sales thereof; and also so much of the said recited act of the first year of the reign of her late majesty Queen Anne, as relates to or concerns any manors, messuages, lands, tenements, or hereditaments, within or parcel of the honours, manors, or lordships of the said duchy of Lancaster, now held by copy of court-roll, or being of the nature of copyhold or of customary tenure, or to any fines payable to his Majesty, his heirs or successors, upon descent or alienation of the same, shall be, and the same is hereby repealed.

Part of the recited acts repealed.

II. And be it further enacted by the authority aforesaid, That all and singular the said fee-farm rents, and other rents, whatsoever, remaining unsold by the said trustees as aforesaid, and now in the survey or receipt of the said duchy, or the officers thereof, shall be, and the same are hereby declared to be, in the actual seisin and possession of our sovereign lord the King, his heirs and successors, as parcel of the possessions of his said duchy of Lancaster, in as full and ample manner, to all intents and purposes, as if the said recited acts had not been made.

Fee-farm rents, &c. remaining unsold by the trustees, to be in the possession of his Majesty, &c.

III. And be it further enacted, That it shall and may be lawful to and for the chancellor and council of the duchy of Lancaster for the time being, to sell and dispose, and thereupon to grant and assure, in the name of the King's majesty, his heirs and successors, under seal of the said duchy, unto or to the use of the respective purchasers of the said rents, and to their heirs for ever, all and singular fee-farm rents, rents service, rents seek or dry rents, quit rents, chantry rents, guild rents, and other rents, due and payable to the King's majesty, as parcel of the possessions of his said duchy, and now being within the survey and receipt of the said duchy, and the officers of the same, at and for such

Chancellor and council of the duchy of Lancaster empowered to sell the said fee-farm rents, &c.

but not for
less than 25
years pur-
chase.

considerations in money as the said chancellor and council shall think fit, not being less than after the rate of twenty-five years purchase of the gross amount of any such rent or rents; and that the several grants and assurances of any such rent or rents, to be so made under the seal aforesaid, being inrolled in the court of the duchy chamber of *Lancaster*, within twelve calendar months next after the respective dates thereof, shall be good, valid, and effectual in the law, unto the respective grantees and their heirs, and that all and every person and persons, bodies politick and corporate, his and their heirs, successors, and assigns, having and taking any such grant or assurance, and causing the same to be inrolled as aforesaid, shall, by force and virtue of this act, be adjudged to be in the actual seisin and possession of the rent or rents so purchased and conveyed, and shall hold and enjoy the same in perfect peace, freed and discharged of and from all claims and demands which can or may be made by his Majesty, his heirs and successors, or by any person or persons claiming any estate, right, or interest, by, from, or under, the said trustees, or the survivor of them, and of and from all manner of incumbrances whatsoever, heretofore had or charged upon the same rents, and as fully and amply as his Majesty, his heirs or successors, or the said trustees, or the survivor of them, or his heirs, might or could have held or enjoyed the same; and shall have and enjoy, under their said respective purchases, all and every the benefits and advantages for the recovery thereof, and the arrears thereof, as are or were given or allowed to purchasers of any rent or rents in and by the said act of the twenty-second year of King *Charles* the second, and by the said other act of the twenty-second and twenty-third years of the same King, and in as large and ample manner and form as if such purchasers had purchased the said rents under the trustees appointed or authorised in and by, or under and by virtue of the powers contained in the said acts, or either of them.

Owner of the
lands where-
out the rents
are payable,
to be prefer-
red in the
purchase
thereof.

IV. Provided always, and be it enacted, That the immediate owner of the lands and hereditaments whereout any of the said rents are due, payable, or issuing, shall be preferred in the purchase thereof respectively before any other, so as such immediate owner shall pay and discharge all arrears of rent due from him or her, and tender himself or herself in person, or by his or her agent, to the said chancellor and council, to contract for the purchase thereof, and shall perfect his or her contract, and pay the purchase money into the hands of the receiver-general of the revenues of the said duchy, on or before the sixth day of *November*, one thousand seven hundred and eighty, at such rate as shall be agreed upon, not being less than twenty-five years purchase, as aforesaid.

Form of
grants.

V And be it further enacted, That all such grants and assurances shall and may be made in the following form of words, as or nearly thereto as may be; (that is to say,)

GEORGE

GEORGE the third, by the grace of God, of Great Britain, France, and Ireland, King, defender of the faith, and so forth; To all to whom these present letters shall come, greeting: know ye, that we, in consideration of the sum of *of* lawful money of Great Britain, paid into the hands of our receiver-general of the revenues of our duchy of Lancaster (as appears by the receipt of the said receiver-general indorsed on these presents,) and by and with the advise and consent of our chancellor and council of our said duchy, do by these presents grant, bargain, and sell, unto A. B. his heirs and assigns, all that rent of *[expressing the rent or rents,]* issuing and payable out of *[briefly describing the lands or tenements chargeable]* now or late paid or payable by *[mentioning the person or persons, as the case may be;]* To have and to hold the said rent *[or rents]* hereby bargained and sold, and all benefits and advantages thereunto belonging, unto and to the use of the said A. B. his heirs and assigns, for ever; *[In case there be any subsisting lease of the rent or rents sold, words to the following effect are to be added,]* subject nevertheless to the term and interest in the said rent or rents now outstanding, by virtue of a lease, granted under the seal of our said duchy, bearing date on or about *[expressing the date,]* unto *[expressing the lessee,]* for a term of *[as the case may be,]* which will expire on or about *[expressing the time when the lease will expire.]*
In witness whereof, &c.

VI. And be it further enacted, That it shall and may be lawful to and for the said chancellor and council to treat and contract, on the part of his Majesty, his heirs and successors, with any person or persons, holding any messuages, lands, tenements, and hereditaments, by copy of court-roll, or being of the nature of copyhold, or of customary tenure, or for which any fine is payable to his Majesty, his heirs or successors, on descent or alienation, which are within and parcel of any of the honours, manors, or lordships of the said duchy of *Lancaster*, for the enfranchisement thereof, and for discharging the same, and all and every the present and future owners and tenants thereof, and their heirs, from the payment of all customary fines, fines of ingress, and other fines, heriots, reliefs, quit rents, and other dues and payments, to which, by the respective customs of such honours, manors, or lordships, they are now or would hereafter otherwise be subject and liable, at and for such prices and considerations in money to be paid for the same, and upon such terms and conditions, as shall be agreed upon by and between the said chancellor and council, and the person or persons holding such messuages, lands, tenements, and hereditaments; and thereupon to convey and assure such respective messuages, lands, tenements, and hereditaments, in the name of the King's majesty, his heirs and successors, under the seal of the said duchy, to such person or persons, and their heirs respectively, to be holden to such person or persons, and their heirs respectively, for ever, as

Chancellor and council of the duchy empowered to enfranchise lands, tenements, &c.

of the honour or manor whereof they are parcel, in free and common soccage, freed and discharged from all fines, heriots, reliefs, quit rents, and other customary dues and payments, suits and services, whatsoever; and that the deeds for conveying and assuring the same shall be made in the following form of words, or as nearly thereto as may be; (that is to say,)

Form of
deeds of
conveyance,
&c.

GEORGE the third, by the grace of God, of Great Britain, France, and Ireland, King, defender of the faith, and so forth; To all to whom these our present letters shall come, greeting: know ye, that we, in consideration of the sum of *of* lawful money of Great Britain, paid into the hands of our receiver-general of the revenues of our duchy of Lancaster, by A. B. one of our copyhold or customary tenants of the *[as the case may be,]* as appears by the receipt of our said receiver-general, indorsed on these presents, and by and with the advice and consent of our chancellor and council of our said duchy, do hereby release and confirm unto the said A. B. and his heirs, for ever, all that *[describing the premises;]* To have and to hold the premises hereby released, with their appurtenances, unto and to the use of the said A. B. and his heirs, for ever, to be holden of the honour or manor of which the same is or are parcel, in free and common soccage, freed and discharged of and from all and all manner of fines, heriots, reliefs, quit rents, and other dues and payments, suits, services, and customs whatsoever, to which the same, or any part thereof, are now subject, and to be and continue as freehold lands; [and in case there be any subsisting lease of the said fines, heriots, reliefs, quit rents, dues, payments, or customs, words to the following effect are to be added] *subject nevertheless to the payment of the usual and accustomed fines, heriots, reliefs, quit rents, and other dues, [or as the case may be,] during the term and interest now outstanding by virtue of a lease thereof, granted under the seal of the said duchy, bearing date on or about [expressing the date,] unto C. D. for a term [as the case may be,] which will expire on [expressing the time when the subsisting lease will expire.]* In witness, &c.

The aforesaid
grants, &c.
under the seal
of the duchy,
to be valid in
law.

VII. And be it further enacted, That the said several and respective grants, conveyances, and assurances, in the respective forms aforesaid, under the seal of the said duchy, shall be good, sufficient, valid, and effectual in the law, for granting and assuring the said rents unto the several purchasers thereof, and their heirs for ever, and also for conveying and assuring the said messuages, lands, tenements, and hereditaments, therein respectively to be comprised, enfranchised, and discharged, unto and to the use of the several and respective persons therein to be named, and their heirs for ever; any thing contained in the said recited act of the first year of Queen Anne to the contrary thereof notwithstanding; and that the inrollment of the said grants, conveyances, and assurances, in the court of duchy chamber of Lancaster, shall be of the same force and validity as inrollments of bargains and sales in any of the four courts at Westminster.

VIII. Provided always, That where any lease of any of the aforesaid rents, fines, heriots, reliefs, or other customary dues or payments, hath been granted under the seal of the said duchy for any term now subsisting, that then, and in every such case, the said grants, conveyances, and assurances, so far as the same relate to or concern any of the hereditaments comprised in such lease, shall commence and take effect only upon or from the expiration or determination of such lease respectively; and that such an abatement shall be made in the purchase-money for the hereditaments so in lease, as shall be agreed upon between the said chancellor and council, and the respective purchasers or persons therein respectively named; and that the person or persons entitled to the benefit of such lease, shall and may have and take all such remedies in the law, for recovering and enforcing the payment of the several and respective rents, fines, heriots, reliefs, and other customary dues and payments, during the continuance of such lease, as he, she, or they would, could, or might have had or taken in case this act had not been made; any thing herein contained to the contrary notwithstanding.

Proviso relating to such rents, fines, &c. as are now under lease.

IX. *And whereas it may be convenient to persons who are seised of copyhold lands and estates, (being within and parcel of the honours, manors, or lordships, of the said duchy of Lancaster,) as tenants for life only, to have the same enfranchised,* be it therefore enacted by the authority aforesaid, That it shall and may be lawful for all such tenants for life, who are or shall be seised of any such copyhold lands and estates as aforesaid, and they are hereby authorised and empowered to contract and agree with the said chancellor and council for the enfranchisement, and for the purchase of timber thereon for discharging the said copyhold lands and estates from the payment of all customary fines, fines of ingress, and other fines, heriots, reliefs, quit rents, and other dues and payments, to which, by the respective customs of such honours, manors, or lordships, the same are now, or would hereafter otherwise be subject and liable to, and to pay to the said chancellor and council such price or consideration as shall be agreed on for the same: and after any such messuages, lands, tenements, or hereditaments, shall be so enfranchised and discharged from such fines, rents, dues, and payments, as aforesaid, it shall and may be lawful for the respective owners and proprietors thereof, being tenants for life as aforesaid, to charge such copyhold lands and estates with the payment of the money to be paid for the enfranchisement thereof, and for discharging the same from such fines, rents, dues, and payments, as aforesaid; and for securing the repayment of such money, with interest, by deed or deeds, writing or writings, under their respective hands and seals, to be duly executed by them, and attested by two or more credible witnesses, to grant, mortgage, lease, or demise, or otherwise subject the lands and estates so charged as aforesaid, unto such person or persons as shall advance and lend the same respectively, for any term or number of years, so as such grant, mortgage, lease, or demise, be made with a proviso or condition to

Tenants for life of copyhold lands, &c. may purchase enfranchisement thereof;

and charge the premises with the payment of the said purchase money.

cease

cease and be void, or with an express trust to be surrendered, when the money thereby to be secured, with the interest thereof, shall be fully paid and satisfied; and also with a covenant, that such respective tenants for life shall pay and keep down the interest of the money to be thereby respectively secured during their respective lives, in such manner that no person afterwards coming into possession of any such lands and estates, shall be subject or liable to pay any further or larger arrear of interest than for one year preceding the time when the title to such possession shall accrue and commence; and every such grant, mortgage, lease, or demise, so to be made as aforesaid, shall be good, valid, and effectual in the law, for the purposes thereby intended, notwithstanding any settlement, will, trust, use, remainder, limitation, or other incumbrance, of and concerning the same lands and estates, or any part or parts thereof, then in being or capable of taking effect.

Grants, &c.
where the
consideration
shall not ex-
ceed 10l. not
subject to
stamp duty.

X. And be it further enacted, That where the money to be paid as the consideration for any such grant, conveyance, or assurance, and shall not exceed the sum of ten pounds, such grants, conveyances, and assurances, under the seal of the said duchy, shall be subject to no stamp-duty for the same; and where the consideration money to be paid shall exceed ten pounds, that the said grants, conveyances, and assurances, shall be subject only to such stamp-duty as is or are, or hereafter may be by law requisite for any deeds, whereby lands, tenements, or hereditaments, are conveyed.

Enfranchised
premises to
remain subject
to entails,
settlements,
&c.

XI. Provided always, and be it enacted, That all and singular the premises to be enfranchised and discharged as aforesaid, under and by virtue of this act, shall, from and after the conveyance and assurance thereof respectively, remain, enure, continue, and be subject and liable to all such entails, wills, settlements, mortgages, leases, judgements, uses, trusts, limitations, remainders, reversions, and all other incumbrances, as the same premises now are, or at the time of the making such conveyances and assurances thereof shall or may be subject and liable to, in as large and ample manner and form as if this act had not been made; any thing herein contained to the contrary thereof in any wise notwithstanding.

Grants to be
made at the
expence of
the grantees.
Officers fees.

XII. And be it further enacted, That the grants and assurances to be made under the seal aforesaid by virtue of this act, shall be sued forth and inrolled in manner herein-before directed, at the expence of the respective grantees therein to be named; and that the several fees hereafter mentioned, and no more, shall be charged for the same by the officers of the said duchy; (that is to say).

| For grants of rents. | For the of a single rent. | | | For every additional rent in the same grant. | | | For grants of rents: |
|--|---------------------------|----|----|--|----|----|----------------------|
| | l. | s. | d. | l. | s. | d. | |
| To the register, for drawing and entering the order for every contract - - - } | 0 | 5 | 0 | 0 | 1 | 0 | |
| To the auditor, for the particular and certificate for the grant - - - - - } | 0 | 5 | 0 | 0 | 3 | 0 | |
| To the clerk of the council, for drawing, ingrossing, and inrolling the grant - } | 0 | 10 | 0 | 0 | 5 | 0 | |
| For parchment 1 s. (or its real cost, if exceeding 1 s. besides the stamp-duty, if any required) - - - - - } | 0 | 1 | 0 | 0 | 0 | 0 | |
| To the sealer, for the seal and wax | 0 | 4 | 0 | 0 | 1 | 0 | |
| Total of fees for grant of a single rent | 5 | 0 | 1 | | | | |

And for every additional rent contained in the same grant - - - - - } 0 10 0

For assurances for the enfranchisement of copyhold or customary tenements.

For enfranchisement.

| | The whole charge, when the descriptions of the parcels do not exceed sixty words. | | | The further charge for every thirty words in excess, where the descriptions of the parcels necessarily exceed sixty words. | | |
|--|---|----|----|--|----|----|
| | l. | s. | d. | l. | s. | d. |
| To the register, for drawing and entering the order for every contract - - - } | 0 | 5 | 0 | 0 | 1 | 0 |
| To the auditor, for the particular and certificate - - - - - } | | | | 0 | 1 | 0 |
| To the clerk of the council, for drawing, ingrossing, and inrolling the assurance } | 0 | 10 | 0 | 0 | 1 | 0 |
| For parchment 1 s. (or its real cost, if exceeding 1 s. besides the stamp-duty, if any required) - - - - - } | 1 | 0 | | 0 | 0 | 0 |
| To the sealer, for the seal and wax - - - | 0 | 4 | 0 | 0 | 0 | 0 |
| Total for every assurance, where the descriptions of the parcels do not exceed sixty words - - - - - } | 1 | 5 | 0 | | | |
| Total for every thirty words in excess, where the descriptions of the parcels exceed sixty words - } | | | | 0 | 3 | 0 |

Monies to
arise by sale
of rents, or
by enfran-
chisement, to
be paid to the
receiver-gene-
ral;

and laid out
in the pur-
chase of stock,
in the name
of the duchy
of Lancaster.

Clause for en-
couraging the
growth of
timber.

XIII. And be it further enacted, That all the monies to arise by sale of the said rents, or by the enfranchisement and discharging of any copyhold or customary messuages, lands, tenements, or hereditaments, under and by virtue of this act, shall be paid into the hands of the receiver-general of the revenues of the duchy of *Lancaster* for the time being, and his successors; and that the purchasers shall not be liable to see to the application thereof, but that the receipts and acquittances of the said receiver-general for the said monies, shall be a full discharge to the purchasers for the same; and the said monies shall from time to time, as the same shall be paid in and received, be laid out, by the order of the said chancellor and council, in the purchase of three *per centum* bank consolidated annuities, or in any of the publick funds, transferrable at the bank of *England*, in the name of the duchy of *Lancaster*; in which name the governor and company of the bank of *England* are hereby authorised and required to permit transfers to be made of the said annuities, funds, or stock, so purchased, and such transfers to be accepted by the receiver-general of the revenues of the said duchy for the time being, who is hereby required to accept the same accordingly; and that all and every the annuities, fund, or stock, to be so purchased and accepted, shall remain invested in the name of the duchy of *Lancaster*, and shall not be transferred, or transferrable, without the authority of parliament; but all the interest of the said annuities, funds, and stock, shall be from time to time paid, by the said governor and company of the bank of *England*, unto the receiver-general of the said duchy for the time being, and his successors, (whose receipts shall be a sufficient discharge for the same,) as parcel of the revenues of the said duchy, and shall be charged upon, and be answered and accounted for by him to the King's majesty, his heirs and successors, accordingly, subject to all such charges, incumbrances, and outgoings, if any such there be (taxes only excepted,) as the said rents now are, or would have been chargeable with or subject unto in case this act had not been made.

XIV. And whereas divers lands and tenements, parcel of the said duchy of *Lancaster*, are held by sundry persons, by virtue of grants from the crown under the seal of the said duchy, in fee-farm, in some of which grants all timber and other trees to arise and grow in the lands thereby granted, are excepted and reserved to the crown: And whereas divers other lands, parcel of the said duchy, are held by leases granted under the seal thereof for terms of life or years, wherein all timber and other trees are also excepted and reserved to the crown: And whereas sundry parts of the said lands so held in fee-farm or by lease, would, if planted for the production of wood and timber, produce a greater profit than in a course of husbandry; and if the respective fee-farmers and lessees thereof were to be benefited by raising and planting trees for timber and other purposes thereon, they might be encouraged so to do, to the great utility of the publick; be it therefore enacted, That it shall and may be lawful to and for the said chancellor and council to contract with the owners of lands, held

held of the said duchy in fee-farm, for the absolute sale of all timber trees and other trees growing, or hereafter to grow or arise, in or upon such lands respectively, at and for such prices or considerations as shall be agreed upon and mentioned in and by such contracts respectively; and thereupon to grant, sell, and release, under the seal of the said duchy, in the name of his said Majesty, his heirs and successors, unto the said several and respective owners of such fee-farm lands, and their heirs for ever, all and singular the said timber trees and other trees, which in and by such fee-farm grants are or were excepted and reserved to the crown; and that such contracts, grants, sales, and releases, shall be valid and effectual unto such respective owners of the said fee-farm lands, for granting, selling, and releasing, unto them and their heirs for ever, all such timber trees and other trees, any law or usage, or any thing contained in such grants of lands in fee-farm, to the contrary thereof notwithstanding.

XV. And be it further enacted, That it shall and may be lawful to and for the said chancellor and council, by their order to be made in court of revenue, to authorise and direct the surveyors of the woods for the south and north parts respectively of the said duchy for the time being, to treat with, and to enter into any contract or agreement on the part of his Majesty, his heirs and successors, to and with such lessee or lessees, for securing unto such lessee or lessees, and his, her, and their executors, administrators, and assigns, such a fair and reasonable allowance or proportion of all monies which shall, at any time during the term and interest of such lessee or lessees under their respective leases, arise by sale of timber trees, or other trees, or wood, within the lands so to be held and occupied by him, her, or them, as shall be settled and agreed upon between the said surveyors respectively, and the said lessee or lessees or any of them; and also for allowing unto such lessee or lessees, at the end and expiration of their respective leases, a like fair and reasonable allowance and proportion in money for all timber and other trees which shall be then left standing and growing in and upon their respective farms, according to the value of such timber and other trees respectively; which agreements, being confirmed by order of the said chancellor and council, shall be valid and effectual to all intents and purposes whatsoever.

Chancellor and council may authorise the surveyors of woods to agree with lessees relating to the sale of timber trees, &c.

C A P. XLVI.

An act for building a new gaol and house of correction for the county of Pembroke.

C A P. XLVII.

An act to indemnify such persons as have omitted to qualify themselves for offices and employments; and to indemnify justices of the peace, or others, who have omitted to register or deliver in their qualifications within the time limited by law, and for giving further time for those purposes; and to indemnify members and officers, in cities, corporations, and borough towns, whose admissions have been omitted to be stamped

stamped according to law; or, having been stamped, have been lost or mislaid; and for allowing them time to provide admissions duly stamped; and to give further time to such persons as have omitted to make and file affidavits of the execution of indentures of clerks to attornies and solicitors.

Preamble. Persons who have omitted to qualify themselves agreeable to act 1 Geo. 1. Act 13 Car. 2. Act 25 Car. 2. Act 30 Car. 2. Act 8 Geo. 1. Act 9 Geo. 2. Act 18 Geo. 2. and act 6 Geo. 3. before the passing of this act; and who shall, on or before Dec. 25, 1779, qualify themselves, shall be indemnified against forfeitures. Not to indemnify any person for any penalty incurred by neglecting to qualify himself. Persons producing appointments and admissions before Dec. 25, 1779, shall be confirmed, and qualified to act as clerk, officer, or member of corporations, &c. may enjoy all offices into which they have been elected; and shall be indemnified from all penalties and damages incurred by reason of omissions. Not to extend to restore persons to any office avoided by judgment. Persons who shall cause affidavits to be filed before Michaelmas term, 1779, are indemnified and discharged from penalties. Persons prosecuted and hereby meant to be indemnified, may plead the general issue.

C A P. XLVIII.

An act to explain so much of an act, made in the twelfth year of the reign of King Charles the Second, intituled, An act for the encouraging and encreasing of shipping and navigation, as relates to the importation into this kingdom, and other his Majesty's dominions, of goods and commodities of the growth or production of Africa, Asia, or America, which are manufactured in foreign parts; for preventing masters of ships removing their vessels out of the stream, except to the lawful quays, in the port of London, before the goods are discharged, or their vessels are cleared by the proper officers inwards or outwards; and for allowing the officers of the customs and excise to make use of lights on board ships in the haven, dock, or basin, at the port of Kingston upon Hull.

Preamble.

Recital of the navigation act 12 Car. 2.

WHEREAS by an act, made in the twelfth year of the reign of King Charles the Second, intituled, An act for the encouraging and encreasing of shipping and navigation; it was, amongst other things, enacted, That no goods or commodities of the growth, production, or manufacture, of Africa, Asia, or America, shall be imported or brought into England, Ireland, Wales, the islands of Guernsey or Jersey, or town of Berwick upon Tweed, from any other place or places, country or countries, but only from those of the said growth, production, or manufacture, or from those ports where the said goods and commodities can only, or are or usually have been first shipped for transportation, and from none other places or countries, under the penalty of the forfeiture of all such of the aforesaid goods as shall be imported from any other place or country, contrary to the true intent and meaning of the said act, as also of the ship in which they were imported, with all her guns, furniture, ammunition, tackle, and apparel: and whereas doubts have arisen whether such goods, if carried from the place or country of the growth or production into any foreign parts of Europe, and manufactured there, may not be imported from thence into this kingdom, and other of his Majesty's dominions in the said act mentioned: and

whereas

*whereas the importation of such goods and commodities so manufactured would be very prejudicial to the trade and navigation of Great Britain, and would tend to the ruin of several artificers and labourers, whose families are supported by the manufacturing such goods and commodities in this kingdom: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the twenty-fourth day of June, one thousand seven hundred and seventy-nine, the said in-part recited act, of the twelfth year of the reign of King Charles the Second, shall not extend, or be construed to extend, to permit any goods or commodities whatsoever, of the growth or production of *Africa, Asia, or America*, which shall be in any degree manufactured in foreign parts, to be imported or brought into the kingdom of *Great Britain, Ireland, or the islands of Guernsey, Jersey, or Man*, except and unless the same shall be so manufactured in the country or place of which the said goods and commodities are the growth and production, or in the place where such goods and commodities can only or are first shipped for transportation, and from no other place or country whatsoever, under the penalties and forfeitures in the said act mentioned; any custom or usage to the contrary notwithstanding.*

Explanation
of part of the
said act.

II. *Provided nevertheless, That this act shall not restrain or prohibit the importation of oil of cloves, oil of cinnamon, oil of mace, and oil of nutmegs, or of any goods or commodities which are permitted to be imported into this kingdom, under particular circumstances and restrictions, by any subsequent act or acts of parliament which are now in force.*

Certain goods
the importati-
on whereof is
not prohibited
by this act.

III. *And whereas ships and vessels arriving at the port of London from Holland and Flanders, and other foreign parts, and also ships and vessels outward bound from the said port to foreign parts, are frequently removed from the lawful quays, or out of the stream, to lie at anchor close to the back-doors of the houses of the masters of such vessels, or at the publick houses frequented by such masters on the side of the river Thames, before they are discharged and cleared by the proper officers of the customs, whereby cambricks, lace, India silks, and other prohibited goods, are very often run from on board such vessels, to the detriment of the revenue and fair trader; for remedy whereof for the future, be it enacted by the authority aforesaid, That from and after the first day of June, one thousand seven hundred and seventy nine, if any ship or vessel, coming or arriving from foreign parts, within the limits of the port of *London*, shall be removed out of the stream, except to the lawful quays, before all the goods are discharged out of such ship or vessel; or if any ship or vessel, outward-bound from the said port of *London* to any foreign parts, having any goods or merchandize on board thereon, shall, during her continuance in the said port, be so removed out of the stream, except to the lawful quays, unless upon any accident or emergent occasion, immediately to be made known to the commissioners or principal officers of his*

Penalty on
masters of
ships remov-
ing their ves-
sels out of the
stream, ex-
cept to the
lawful quays,
in the port of
London, be-
fore the goods
are discharg-
ed, &c.

Majesty's customs, and their consent for those respective purposes obtained; the master, purser, or other person taking charge of every such ship or vessel, shall forfeit and lose the sum of one hundred pounds for each and every such respective offence; one moiety whereof shall be to the use of his Majesty, his heirs and successors, and the other moiety to such officer or officers of the customs as shall inform, prosecute, or sue for the same, in any of his Majesty's courts of record at *Westminster*.

Recital of an
act 14 Geo. 3.

IV. *And whereas by an act of parliament, made in the fourteenth year of the reign of his present Majesty, intituled, An act for making and establishing publick quays or wharfs at Kingston upon Hull, for the better securing his Majesty's revenues of customs, and for the benefit of commerce in the port of Kingston upon Hull; for making a bason or dock, with reservoirs, sluices, roads, and other works, for the accommodation of vessels using the said port; and for appropriating certain lands belonging to his Majesty, and for applying certain sums of money out of his Majesty's customs at the said port, for those purposes; and for establishing other necessary regulations within the town and port of Kingston upon Hull; it is, amongst other things, enacted, That no person whatsoever shall have or keep, or cause to be had or kept, any fire, candle, or lamp, lighted (except in the manner in the said act for that purpose mentioned) on board any ship or vessel within the haven, dock, or bason, by the said act directed to be made, in the said port of Kingston upon Hull, (the vessels employed as ferry-boats only excepted), at any time or times whatsoever, between the twenty-ninth day of September and the twenty-fifth day of March, in every year, after the hour of seven in the evening, and before the hour of seven in the morning; nor at any time or times whatsoever, between the twenty-fifth day of March and the twenty-ninth day of September, in every year, after the hour of eight in the evening, or before the hour of five in the morning, upon pain of forfeiting, for every offence, the sum of three pounds: and whereas, in order to prevent the clandestine running of customable and prohibited goods from on board ships or vessels in the night, it is absolutely necessary that the tide-men, and other officers of his Majesty's customs and excise, stationed on board, and appointed to guard such vessels for the security of the publick revenues, should have liberty to use lights, properly secured, during their stay on board, as occasion may require; be it therefore enacted by the authority aforesaid, That the said recited act, or any part thereof, shall not extend, or be construed to extend, to restrain or prohibit any officer or officers of his Majesty's customs or excise from using lighted candles on board any ship or vessel in the said haven, dock, or bason, in such lanthorns, guarded or properly secured against accidents of fire, as the collector of his Majesty's customs, and the collector or other principal officer of excise, and the governor or chairman of the dock company at the port of *Kingston upon Hull*, shall at any time think proper to direct and approve of for that purpose; nor shall any such officer or officers be liable to any penalty or forfeiture for having or keeping, or causing to be had*

or

The said act
not to extend
to restrain any
officer of the
customs or
excise from
using lights
on board any
vessel in the
haven, &c. of
*Kingston upon
Hull*.

or kept, such lights, in lanthorns secured as aforesaid, on board such ship or vessel; any thing in the said recited act to the contrary notwithstanding.

C A P. XLIX.

An act to prevent abuses in the payment of wages to persons employed in the bone and thread lace manufactory.

WHEREAS the practice of paying persons employed in the making of bone and thread lace, in the whole or in part, with goods instead of money, is a great injury to the lace-makers, and tends to the discouragement of the lace manufactory: and whereas it would tend to encourage the manufactory of bone and thread lace, if the persons employed therein were in future to be paid in money only, and if some provision was made for the more easy and speedy recovery of such money; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same; That from and

Preamble.

After June 24. 1779, all persons who shall employ any lace manufactory, or shall purchase lace of them, shall pay them in money, and not with goods; are hereby required to pay such person or persons for their labour, and for all the lace so bought of them, in money only, and not with goods, or by way of truck, or in any other manner whatsoever, either in the whole or in part, any usage or custom to the contrary hereof notwithstanding.

II. And be it further enacted and declared, That if any lace merchant or dealer in lace, or other person, shall, after the said twenty-fourth day of June, one thousand seven hundred and seventy-nine, pay any person or persons employed in making bone or thread lace, in the whole or in part, for their labour, or for the purchase of any bone or thread lace, with goods, or by way of truck, or in any other manner than with money only, every such lace merchant, dealer in lace, or other person, so offending, shall, for every such offence, forfeit and pay the sum of ten pounds, to be levied and recovered by distress and sale of the goods and chattels of the offender, by warrant, under the hand and seal of any one justice of the peace, within the county, city, or place, where such offence shall be committed; rendering the overplus, if any, to the owner or owners of such goods and chattels, after deducting the reasonable charges of such warrant, distress and sale; and such forfeitures, when recovered, shall be paid to the party or parties aggrieved; and for want of sufficient distress, such justice shall, and is hereby authorised and required to commit the offender to the common gaol, prison, or house of correction, there to remain, without bail or mainprize, for the space of six calendar months, unless such penalty, and

on penalty of 10*l*.

to be levied by distress.

On failure of distress, offender to be committed.

the charges attending the recovery thereof, shall be sooner paid and satisfied.

How lace-makers may recover debts due to them for lace sold, or for making thereof.

III. And be it further enacted by the authority aforesaid, That from and after the said twenty-fourth day of *June*, one thousand seven hundred and seventy-nine, if any sum or sums of money shall be due and owing to any person or persons employed in the making of any bone or thread lace, for his or her labour, or for the purchase of any such lace, every such person shall and may apply to any justice of the peace for the county, city, or place, where the cause of complaint shall arise; and in case it shall, upon the oath of the party complaining, (which oath such justice is hereby empowered to administer), appear to such justice that such money is due and owing as aforesaid; then such justice shall and is hereby authorized and required to cause the same to be levied and recovered in the same manner as the forfeiture herein-before imposed is directed to be levied and recovered.

Persons aggrieved may appeal to the quarter sessions;

on giving 14 days notice.

IV. Provided always, That if any person shall think himself or herself aggrieved by any thing done in pursuance of this act, it shall and may be lawful for any such person to appeal to the justices of the peace, at any general quarter sessions to be holden for the county, city, or place, where the act, order, or proceeding, appealed against shall be made or done, within six calendar months next after the making or doing thereof, the person appealing first giving fourteen days previous notice to the person or persons in whose favour such act, order, or proceeding, shall be made or done, of his or her intention to bring such appeal; and the justices at such quarter sessions are hereby authorized and required to hear and determine the matter of every such appeal, and to make such order therein, and to award such costs to either party, as they shall think proper, and by their order or warrant to levy the costs which shall be so awarded by distress and sale of the goods and chattels of the person or persons liable to pay the same, rendering the overplus (if any) to the owner or owners of such goods and chattels, after deducting the reasonable charges of such distress and sale; and the determination of the justices in the said quarter sessions shall be final, binding, and conclusive upon all the parties.

C A P. L.

An act for more effectually preventing frauds by private distillers, and for the better securing the duties on low wines and spirits.

Preamble.

WHEREAS the duties on low wines and spirits are greatly diminished, and the fair trader much injured, by means of small stills privately made use of for making and distilling low wines and spirits; and whereas, notwithstanding the many laws already made for securing these duties, and for protecting the fair trader, many gross frauds are daily practised by evil-minded and indigent persons, who are encouraged in such practices from the great length of time allowed

allowed by these laws, for the payment of the duties arising from low wines and spirits; now, for remedy of these mischiefs, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the twenty-fourth day of June, one thousand seven hundred and seventy-nine, every person or persons making or keeping any wash fit for distillation, and having in his, her, or their occupation, possession, or custody, any still or stills, the cubick contents of which, when the head is on, will amount to two gallons or upwards, proof being thereof made, by the oath of one or more credible witness or witnesses, before any one or more of the commissioners of excise for the time being, or before one or more of his Majesty's justices of the peace, who are hereby respectively empowered to administer the same, shall be deemed and taken to be common distillers for sale, and shall be liable to the several rates and duties of excise, and be subject to the survey of the officers of excise, and to the several penalties, fines and forfeitures, imposed by act or acts of parliament now in force, in any wise relating to distillers; any law, statute, or usage, to the contrary in any wise notwithstanding.

After June 24, 1779, every person making wash for distillation, and having in his possession a still of the cubick contents of two gallons, shall be deemed a common distiller, &c.

II. And whereas, by an act, passed in the tenth and eleventh years of the reign of King William the third, intituled, An act to prohibit the excessive distilling of spirits and low wines from corn, and against the exporting of beer and ale, and to prevent frauds in distillers, it was, amongst other things, enacted, That if any officer of excise should, under the authority of a warrant from a justice of the peace, discover and find any private and concealed still, back, or vessel, spirits, low wines, or materials preparing for distillation, that in such case every such still, back, or other vessel, and also such spirits, low wines, and materials for distillation, should be absolutely forfeited, and that the person or persons claiming the same should forfeit, for every place in which such still, back, or other vessel, should be found, and also for every such still, back, or other vessel, found therein, the sum of two hundred pounds: and whereas by one other act, passed in the tenth and eleventh years of the reign of King William the third, intituled, An act for laying further duties upon sweets; and for lessening the duties as well upon vinegar as upon certain low wines and whale fins, and the duties upon brandy imported; and for the more easy raising the duties upon leather; and for charging cinders; and for permitting the importation of pearl ashes; and for preventing abuses in the brewing of beer and ale, and frauds in the importation of tobacco; it was enacted, That the proprietor of any private still, back, or other vessel, which should be discovered, according to the directions of the before recited act, or the person in whose custody the same should be found, should forfeit and lose, for every such still, back, and other vessel, the sum of two hundred pounds: and whereas it may be doubted whether, upon the discovery and finding of private and concealed stills, backs, and other vessels, and of spirits, low wines, or

Recital of 10 & 11 Gul. 3, cap. 45

and cap. 22.

Officer of excise discovering any private still, &c. of any materials preparing for distillation, may seize the same.

If the said stills &c. be not, within ten days, claimed by the owner, they shall be forfeited, and the proprietor thereof, or the person in whose custody they are found, shall forfeit for each particular, 200*l*.

Penalty on obstructing officers in seizing such stills &c.

No person to make entry of any workhouse or still for making low wines or spirits unless he shall occupy a tenement of 10*l*. per annum and shall pay to parish rates.

materials, preparing for distillation, by any officer or officers of excise not having a warrant from a justice of the peace, such private and concealed stills, backs, or other vessels, stills, low wines, or materials preparing for distillation, are forfeited and liable to be seized by such officer, and whether the proprietor of such private and concealed stills, backs, or other vessels, so discovered, or the persons in whose custody or possession the same shall be found, are liable and subject to the said penalty of two hundred pounds now, to obviate all such doubts, be it further enacted by the authority aforesaid, That if any officer or officers of excise shall at any time discover and find any private or concealed still, back, or other vessel, for the making, preparing, or keeping of wash, low wines, or spirits, or other materials preparing for distillation, then, and in every such case, it shall be lawful for such officer to seize every such still, back, or other vessel, and all such low wines, spirits, wash, and other materials, preparing for distillation, which he shall so find and discover, and either to detain and keep the same in the house or place where found, or to remove the same to the office of excise next to the place where he shall so find and discover the same; and in case the same shall not, within ten days next after such seizure, be claimed by the true and lawful owner thereof, then the said stills, backs, and other vessels, spirits, low wines, wash, and other materials preparing for distillation, shall be absolutely forfeited and the proprietor of any such private and concealed back, still, or other vessel, or the person in whose custody the same shall be found, shall forfeit and lose, for every place in which any such private still, back, and other vessel, shall be found, and also for every such still, back, and other vessel found therein, the sum of two hundred pounds: and if any person or persons shall obstruct, oppose, molest, or hinder, the officers of excise, or others acting in their assistance, in the due seizing such private stills, backs, and other vessels, spirits, low wines, wash, or other materials preparing for distillation, or in removing the same, or any of them, after seizure, to the next office of excise, as aforesaid, then, and in every such case, every person so offending shall forfeit and lose the sum of one hundred pounds.

III. And be it further enacted by the authority aforesaid, That, from and after the twenty fourth day of June, one thousand seven hundred and seventy nine, no person or persons whatsoever shall be permitted to make entry of any workhouse or place, or of any still or utensil for making, distilling, or keeping of low wines or spirits, unless such person or persons shall occupy a tenement or tenements of the yearly value of ten pounds, or upwards, and for which he, she, or they, shall accordingly be assessed in their own name, and shall also pay to the parish rates in the several parishes or places in which they shall respectively reside; and that no entry of any workhouse, place, still, or utensil, for making, distilling, and keeping, of low wines and spirits, then made, or thereafter to be made, of any such workhouse, place, still, or utensil, shall be of any avail

To any person not so qualified, or for any longer time than the person or persons so making entry shall be qualified, as aforesaid; and every person making or distilling low wines or spirits, and not qualified as aforesaid, shall notwithstanding any entry by him, her, or them made, be deemed and taken to be persons making and distilling low wines and spirits without entry, and shall be subject to the like penalties and forfeitures as persons making and distilling low wines and spirits without entry are, by the statutes in such case made and provided, now subject unto.

IV. And, for the more effectual securing the duties on low wines and spirits, made and distilled within Great Britain, be it further enacted by the authority aforesaid, That, from and after the twenty-fourth day of *June*, one thousand seven hundred and seventy-nine, all and every person whatsoever, who shall make or distill low wines or spirits, shall, weekly and every week, make a true entry in writing at the next office of excise, within the limits of which the said low wines or spirits are by him or them respectively made or distilled, of all the wash by him, her, or them, respectively used for the making of low wines and spirits, within each week, on pain to forfeit, for every neglect of making such true entry, the sum of ten pounds.

Distillers to make entry, weekly, of all the wash used by them in making low wines and spirits.

V. And be it further enacted by the authority aforesaid, That every distiller who shall not pay and clear off within a week after he, she, or they, shall have made his, her, or their entry, or ought to have made his, her, or their entry as aforesaid, shall pay double the value of the duty.

Distillers not paying duties within a week after entry, to pay double.

VI. And be it further enacted by the authority aforesaid, That, from and after the said twenty-fourth day of *June*, one thousand seven hundred and seventy-nine, every maker, distiller, rectifier, and compounder, of spirits, who shall make, distill, rectify, or compound, any spirituous liquors for sale within *Great Britain*, shall cause to be painted, in durable large legible characters, over the outward door of each and every stillhouse, storehouse, warehouse, shop, cellar, vault, and other place, by him, her, or them, respectively made use of for the making or keeping of *British-made* spirituous liquors, the words *distiller*, *rectifier*, or *compounder of spirituous liquors*, (as the case may be;) upon pain of forfeiting, for every such stillhouse, storehouse, warehouse, shop, cellar, vault, or other place, which, from and after the said twenty-fourth day of *June*, one thousand seven hundred and seventy-nine, shall be so made use of by such maker, distiller, rectifier, or compounder, without having the said words so painted as aforesaid, the sum of one hundred pounds.

Certain words to be painted over the outward door of every stillhouse, storehouse, &c.

on forfeiture of 100*l*.

VII. And it is hereby further enacted by the authority aforesaid, That if any person who shall either make, distill, rectify, or compound, any *British-made* spirituous liquors for sale, or who shall sell or deal in any sort of spirituous liquors, shall receive or buy, or procure or employ any person to receive or buy for him, her, or them, or for his, her, or their use, any *British-made* spirituous liquors, (except at the publick sales of

Penalty on buying *British-made* spirits of any person other than a distiller, &c, who has the before-mentioned words

printed over
the outer door
of the still-
house, &c.
Exception.

such *British-made* spirituous liquors as have been condemned, and are sold under the direction of the commissioners of excise, of any person or persons other than a maker, distiller, rectifier, or compounder of spirituous liquors for sale, over the outward door of whose stillhouse, storhouse, warehouse, shop, cellar, vault, or other place by him, her, or them, respectively made use of for the making or keeping of *British-made* spirituous liquors, shall be painted as aforesaid, the words *distiller, rectifier, or compounder of spirituous liquors*, as the case may be; every such person so offending shall forfeit and lose, for every such offence, the sum of fifty pounds.

Either buyer
or seller in-
forming a-
gainst the
other party,
shall be dis-
charged of his
own penalty.

VIII. And, for the more effectual discovery of such offenders, be it further enacted by the authority aforesaid, That the offending party or parties, whether buyer or seller of such *British-made* spirituous liquors, who shall first discover and inform against the other of the said parties, shall, in every such case, be, and he is hereby declared discharged and acquitted of and from all penalties and forfeitures, which, at the time of such information given, he might be liable for or by reason of such his own offence.

Penalty on
persons, not
having made
entry of all
the places used
by them,
who shall paint
over any of
their doors the
words *distiller,*
rectifier, &c.

IX. And be it further enacted by the authority aforesaid, That if any person whatever, other than such as shall have duly made entry of all the places by him, her, or them respectively made use of for making or keeping of *British-made* spirituous liquors, shall paint, or cause to be painted, over the door of any place to them respectively belonging, the words *distiller, rectifier, or compounder of spirituous liquors*, or either of them, every person so offending shall forfeit and lose the sum of two hundred pounds, and shall also be subject to the several penalties and forfeitures to which persons making or distilling spirituous liquors for sale, without making entry, are now subject unto.

All the pow-
ers, penalties,
and forfeit-
ures, &c. con-
tained in for-
mer revenue
laws, to be
applied in col-
lecting, levy-
ing, and re-
covering, the
duties and pe-
nalties men-
tioned in this
act.

X. And be it further enacted by the authority aforesaid, That all and every the powers, authorities, rules, methods, penalties, and forfeitures, clauses, matters, and things, which, in and by an act made in the twelfth year of the reign of King Charles the Second, intituled, *An act for taking away the court of wards and liveries, and tenures in capite, and by knights service, and purveyance, and for settling a revenue upon his Majesty in lieu thereof*, or by any other law now in force relating to his Majesty's revenue, upon beer, ale, or other liquors, are provided, settled, or established, for securing, enforcing, managing, raising, levying, collecting, paying, mitigating, or recovering, adjudging, or ascertaining, the duties or penalties thereby granted, and for preventing, detecting, and punishing, frauds relating thereto, (not otherwise altered by this act) shall be exercised, practised, applied, and imposed, levied, recovered, and put in execution, for the securing, enforcing, managing, raising, levying, collecting, paying, mitigating, and adjudging, ascertaining, and recovering, the duties and penalties herein mentioned and directed, and for preventing, detecting, and punishing, frauds relating thereto, as fully and effectually, to all intents and purposes, as if all and every the said powers, authorities, rules, directions, methods, penalties,

penalties, and forfeitures, clauses, matters, and things, were particularly repeated and again enacted in the body of this act.

¶ XI. And be it further enacted by the authority aforesaid, That all fines, penalties, and forfeitures imposed by this act, shall be sued for, levied, recovered, or mitigated, by such ways, means, and methods, as any fine, penalty, or forfeiture, is or may be sued for, recovered, or mitigated, by any law or laws of excise, or by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland*, respectively; and that one moiety of every such fine, penalty, or forfeiture, shall be to his Majesty, his heirs and successors, and the other moiety to him, her, or them, who shall discover, inform, or sue for the same.

Penalties and forfeitures how to be recovered and applied.

C A P. LI.

An act for granting to his Majesty certain duties on licences to be taken out by all persons letting horses to hire for travelling, in the manner therein mentioned; and certain duties on all horses let to hire for the purposes of travelling post, and by time; and upon certain carriages therein mentioned.

Most gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, towards raising, by the most easy means, the necessary supplies to defray your Majesty's publick expences, have freely and voluntarily resolved to give and grant unto your Majesty the several and respective duties herein-after mentioned; and do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of *July*, one thousand seven hundred and seventy-nine, there shall be raised, levied, collected, and paid, throughout the kingdom of *Great Britain*, unto and for the use of his Majesty, his heirs and successors, the several rates and duties following; (that is to say,) That every postmaster, innkeeper, or other person, in *Great Britain*, who shall let to hire any horse for the purpose of travelling post by the mile, or from stage to stage, or being a person usually letting horses to hire, shall let to hire for a day, or any less period of time, any horse for drawing any coach, chariot, or chaise, or any other carriage used in travelling post, shall yield and pay annually unto his Majesty, his heirs and successors, the sum of five shillings for a licence for that purpose; that for and in respect of every horse hired by the mile or stage to be used in travelling post, in *Great Britain*, there be charged a duty of one penny for every mile such horse shall be hired to travel post; and that for, and in respect of every horse hired for

Preamble.

After July 5, 1779, the following duties to be paid to his Majesty; *videlicet*,

every postmaster, &c. who shall let horses to hire for travelling post, for an annual licence, 5 s.

every person hiring horses, to travel post to pay, for each horse, 1 d. per mile;

or *5s. per day*, where the distance shall not be ascertained:

every person keeping a diligence, post coach, or other four wheeled carriage, for carrying only four inside passengers, for hire, shall pay annually *5s.* for a licence;

and shall also pay one half-penny for every mile such carriage shall travel.

The said duties to be under the management of the commissioners for the stamp-duties.

Penalty on persons letting out horses to travel post without a licence.

Any two commissioners of

a day, or any less period of time, for drawing, on a post or other publick road, any coach, chariot, or chaise, or any other carriage used in travelling post, there shall be charged, if the distance shall be then ascertained, the sum of one penny *per mile*, and if the distance shall not then be ascertained, there shall be charged the sum of twelve pence for and in respect of each horse so hired; such duty to be paid by the person or persons by whom such horse shall be hired; that every person who shall keep any four-wheeled chaise, or other machine, commonly called a *diligence* or *post-coach*, or by what name soever such carriages now are or hereafter shall be called or known, for the purpose of conveying in the inside thereof any number of passengers, not exceeding four, for hire, to and from stage to stage, or from place to place, shall yield and pay annually unto his Majesty, his heirs and successors, the sum of five shillings for a licence for that purpose; that every four wheeled chaise, or other machine, commonly called a *diligence* or *post-coach*, or by what name soever such carriages now are, or hereafter shall be called or known, for the purpose of conveying in the inside thereof any number of passengers, not exceeding four, for hire, to and from stage to stage, or from place to place, shall be charged with a duty of one halfpenny *per mile* such carriage shall travel, to be paid by the owners thereof: and for the better and more effectual raising, levying, collecting, and paying the said rates and duties herein-before granted, the same shall be under the government, care, and management of the commissioners for the time being appointed to manage the duties payable to his Majesty, his heirs and successors, and charged on stamped vellum, parchment, and paper, who, or the major part of them, are hereby required and empowered to appoint and employ such officers under them for that purpose, and to allow such salaries and incident charges, as shall be necessary; and to provide and use such marks or stamps as they shall think fit; and to repair, renew, or alter the same, from time to time, as there shall be occasion; and to do all other acts, matters, and things, necessary to be done for putting this act in execution, with relation to the said rates and duties hereby granted, in the like, and in as full and ample manner as they, or the major part of them, are authorised to put in execution any of the laws now in being concerning stamped vellum, parchment, or paper.

II. And be it further enacted by the authority aforesaid, That, from and after the fifth day of *July*, one thousand seven hundred and seventy-nine, no person whatsoever, required by this act to be licensed, shall, unless he or she be authorized and enabled in the manner herein-after prescribed, let out any horse for hire, either by the mile or stage, or to draw any coach, chariot, or chaise, or any other carriage used in travelling post, for a day, or any less period of time, upon pain to forfeit, for every such offence, five pounds, to be recovered and applied as herein-after is directed.

III. And be it further enacted by the authority aforesaid, That,

That, from and after the passing of this act, any two or more of his Majesty's commissioners appointed for managing the duties arising by stamps on vellum, parchment, or paper, or some person duly authorized by them, shall grant licences to such persons who shall apply for the same, to let out horses for hire, in manner aforesaid, in any city, town, or other place, within *Great Britain*, for the space of one year, to commence from the said fifth day of *July*, one thousand seven hundred and seventy-nine, upon all licences to be granted on or before that day; and upon licences to be first granted to any person or persons after the said fifth day of *July*, one thousand seven hundred and seventy-nine, to commence from the day of the date of every such licence; and all and every person or persons who shall take out such licence for letting out horses for hire in manner aforesaid, shall take out a fresh licence for another year ten days at the least before the expiration of that year for which he, she, or they shall be so licensed, if he, she, or they shall continue to let out horses for hire, in manner aforesaid, and shall, in like manner, renew such licence from year to year, paying down the respective sums due for such licences, as long as he, she, or they shall continue to let out horses for hire, in manner aforesaid.

the stamp-du-
ties, or person
authorized by
them, may
grant licences
for letting out
horses to hire.

IV. And be it further enacted by the authority aforesaid, That no postmaster, innkeeper, or other person whatsoever, licensed or to be licensed by authority of this act, shall, by virtue of one licence, keep more than one inn, house, or other place, for letting horses for the purposes aforesaid; but for each and every inn, house, or other place, which any postmaster, innkeeper, or other person, shall keep for the purposes aforesaid, a separate and distinct licence shall be taken out, and paid for, by such postmaster, innkeeper, or other person.

No person to
keep more
than one inn,
&c. for letting
horses, by vir-
tue of one li-
cence.

V. And be it further enacted by the authority aforesaid, That every postmaster, innkeeper, or other person, so licensed to let horses as herein-before mentioned, shall cause the words *licensed to let post-horses*, to be painted or written, in legible characters, either on a sign hung out, or in some visible place in the front of his, her, or their house, stables, or out-offices, at the respective places at which he, she, or they let out horses to hire, as aforesaid, to denote that such postmaster, innkeeper, or other person, is a letter or furnisher of post-horses, and authorized to furnish travellers with the same pursuant to law; and if any postmaster, innkeeper, or other person, so licensed as aforesaid, shall presume to let out horses for hire as herein-before mentioned, without fixing or hanging out such token as aforesaid, every postmaster, innkeeper, or other person, so offending, shall, for every such offence, forfeit and pay the sum of five pounds, to be recovered and distributed as herein-after is directed.

Licensed inn-
keepers, &c.
to cause cer-
tain words to
be painted on
the fronts of
their houses,
&c. before
they let horses
for hire;

on penalty of
5^l.

VI. And be it further enacted by the authority aforesaid, That every postmaster, innkeeper, or other person, so licensed as aforesaid, shall, if he, she, or they, furnish his, her, or their own chaises, or other carriages, at the same time with such horses let to hire to travel past as aforesaid, mark or paint, or cause

Innkeepers,
&c. who fur-
nish carriages
to travel post,
shall affix their
names, and
their place of

above, and
some con-
spicuous part
thereof;

on penalty of
5*l*.

Commission-
ers of the
stamp duties
are to deliver,
to every person
taking out a
licence, printed
or written pa-
pers:

to be marked or painted, upon some conspicuous part of the chaise, or other carriage so furnished, his, her, or their christian, and surname, and the name of the city, town, or place, of his, her, or their abode, in plain and legible characters, and continue the same thereupon, so long as such chaise or carriage shall be so used; and if any person or persons shall neglect the same, or mark or paint, or cause to be marked or painted, any false or fictitious name, or place of abode, on such chaise or other carriage, he or she shall forfeit, for every such offence, the sum of five pounds.

VII. And be it further enacted by the authority aforesaid, That the said commissioners appointed for managing the duties arising by stamps on vellum, parchment, or paper, shall, at the time of issuing such licence as aforesaid, deliver, or cause to be delivered, to every postmaster, innkeeper, or other person so to be licensed, printed or written papers, intituled, *Stamp-office weekly account*; in which shall be inserted the day of the week, and blanks left for the number of horses and miles, and for the day of the month, and the names of the postillions or drivers employed, to be filled up as herein-after directed, according to the following form, or such other form as the said commissioners shall judge convenient for keeping such accounts:

Stamp-

283
The form
thereof.

Stamp-office weekly account.

A. B.
of C.

| Names of Postillions or Drivers. | | | | | | | | | | | | | | |
|----------------------------------|---------------------|--------|---------|--------|---------|--------|---------|--------|---------|--------|---------|--------|---------|-------|
| Month and Day. | Week and Day. | A. B. | | C. D. | | E. F. | | G. H. | | I. K. | | L. M. | | Duty. |
| | | No. of | Horses. | No. of | Horses. | No. of | Horses. | No. of | Horses. | No. of | Horses. | No. of | Horses. | |
| | | Miles. | | Miles. | | Miles. | | Miles. | | Miles. | | Miles. | | |
| | Sunday | | | | | | | | | | | | | |
| | Monday | | | | | | | | | | | | | |
| | Tuesday | | | | | | | | | | | | | |
| | Wednesday | | | | | | | | | | | | | |
| | Thursday | | | | | | | | | | | | | |
| | Friday | | | | | | | | | | | | | |
| | Saturday | | | | | | | | | | | | | |

and also cer-
tain tickets.

Penalty on
officers mak-
ing default.

Postmasters,
&c. on receiv-
ing their first
licence, to
give security
for the redeli-
very of tickets
unaccounted
for, &c.

and shall also deliver, or cause to be delivered, a number of tickets, on which shall be printed or written, if for an innkeeper, the name of the sign or house, if not an innkeeper, then, in lieu thereof, his, her, or their name or names; and also on such tickets shall be inserted the name of the city, town, or place, where such licensed person or persons reside; and also the words *horses*, 1, 2, 3, 4, 5, or 6, in figures, as the tickets may be intended to denote the numbers; and likewise the words *miles*, except where the horses are let to hire for a day, or any less period of time, and then, instead of the word *miles*, the words *for a day*, shall be inserted, together with the words *stamp-office* or some other mark or stamp sufficient to ascertain that such ticket was issued from the stamp-office, and shall take especial care that all persons so licensed shall be sufficiently furnished with such account and tickets; and in case any officer employed in the execution of this act, in relation to the said rates and duties, shall refuse or neglect to do or perform any matter or thing by this act required or directed to be done or performed by him, whereby any of his Majesty's subjects shall or may sustain any damage whatsoever, such officer so offending shall be liable, in any action to be founded on this statute, to answer to the party-grieved all such damages, with treble costs of suit.

VIII. And it is hereby further enacted by the authority aforesaid, That each and every postmaster, innkeeper, or other person so licensed to let horses for the purposes aforesaid, shall, at the time of receiving his, her or their first licence, give security, by bond, to his Majesty, his heirs and successors, in the sum of fifty pounds, with a condition that he, she, or they will, whenever thereunto required, redeliver, or cause to be redelivered, the stamp-office tickets which he, she, or they, may have received, and that may remain unaccounted for by him, her, or them; and that he, she, or they, will also deliver to the person or persons (properly authorized by the commissioners appointed for managing the duties arising by stamps on vellum, parchment, or paper, to inspect the same, and to receive the money due thereon) the stamp-office account so delivered to him, her, or them, as aforesaid, faithfully made out, filled up, signed, and attested, as herein-after directed, and make payment of all such sum and sums of money as shall be due and payable to his Majesty, in pursuance of, and according to the true intent and meaning of this act; and also truly and faithfully to observe and perform all the directions, matters and things herein contained, on his, her, or their behalf, to be observed and performed; and in case of the nonperformance or breach of such condition, it shall and may be lawful for the said commissioners, or the persons so appointed by them, to cause each and every such bond to be prosecuted according to law; and in case of judgement against the defendant, the said commissioners may, if they shall think fit, refuse to grant to such person, against whom such judgement shall be obtained, any licences to let horses as aforesaid in future.

IX. And

IX. And be it further enacted by the authority aforesaid, That all and every postmaster, innkeeper, or other person, licensed as aforesaid, who shall let horses to hire by the mile or stage, to be used in travelling post, shall, by themselves or servants, previous to the using such horse or horses, ask, demand, and receive, for the use of his Majesty, his heirs and successors, of and from the person or persons hiring the same, the sum of one penny *per* mile, for each mile such horse shall be so hired to travel, at and after the rate or number of miles which he, she, or they shall charge such traveller or travellers for the stage or distance such horse may be hired to go; and shall, at the same time he or she receives payment of the duty for such horse or horses, deliver, or cause to be delivered, to the person or persons hiring such horse or horses, one or more of the stamp-office tickets herein-before mentioned, as occasion shall require, and to which such postmaster, innkeeper, or other person, shall add, or cause to be added, in words or figures, the the month and day of the month, and the number of miles for which such horse or horses are so hired: and if any postmaster, innkeeper, or other person, shall neglect to ask, demand, and receive, the said duty of one penny *per* mile from such person or persons hiring such horse or horses, or shall neglect or refuse to deliver such ticket or tickets, as herein-before directed, to such person or persons so hiring the horses as aforesaid, such postmaster, innkeeper, or other person, shall, for every such offence, forfeit and pay the sum of five pounds; and moreover, in case of not receiving the said rate or duty, be chargeable therewith to his Majesty, his heirs and successors, in the same manner as if he, she, or they, had actually received the same.

Postmasters, &c. letting out horses to travel post, shall receive, for the use of his Majesty, of the persons hiring the same, 1 d. for every mile each horse is to travel; and shall deliver to them stamp-office tickets properly filled up.

Penalty on neglect thereof.

X. And be it further enacted by the authority aforesaid, That all and every traveller or travellers, to whom such ticket shall be delivered as aforesaid, who shall pass through any turnpike, shall, at the first turnpike through which he, she, or they shall pass, deliver, or cause to be delivered, to the toll-gate keeper there, the ticket or tickets so given to him, her, or them, at the place where he, she, or they hired such horse or horses, which the said toll-gatherer is hereby directed to receive and file; and if any traveller or travellers so going post as aforesaid, shall have neglected to take such ticket or tickets, or shall not deliver, or cause the same to be delivered, he, she, or they shall, before such horses be permitted to pass such toll-gate, pay for every horse hired and used by such travellers or traveller, the sum of one shilling and sixpence, which the gate-keeper is hereby authorised to ask and demand, and not permit such horses to pass till he, she, or they shall have paid the same, or produced such ticket or tickets as aforesaid.

Travellers to deliver their tickets at the first turnpike they shall pass through.

Penalty on neglect.

XI. And be it further enacted by the authority aforesaid, That all and every postmaster, innkeeper, or other person licensed as aforesaid, who shall let to hire any horse or horses by the day, or less period of time, as aforesaid, shall, by themselves or servants, previous to such horse or horses being used, ask, the use of his

Postmasters, &c. letting out horses to travel by the day, &c. shall receive, for the use of his

Penalty, of the persons hiring them, &c. for every mile each horse is to travel; or 1s for each horse, where the distance shall not be ascertained, and shall deliver to them stamp office tickets properly filled up.

Penalty on postmaster, &c. for neglect.

Enumeration of particulars to be inserted, by postmasters, &c. in the account to be delivered them from the stamp-office.

At what times licensed persons residing in London or Westminster, or within five miles thereof, or in the bills of mortality, shall deliver their accounts

ask, demand, and receive, for the use of his Majesty, his heirs and successors, of and from the person or persons hiring the same, the sum of one penny *per* mile for each mile such horse or horses shall be so hired to go, where the distance shall be then ascertained, and where the distance shall not be then ascertained, then the sum of twelve-pence for each horse so hired, previous to such horse or horses being used; and shall, at the same time, deliver, or cause to be delivered, to the person so hiring such horse or horses, one or more of the stamp-office tickets herein-before mentioned, with the words *for a day* inserted thereon, as occasion shall require, and to which any postmaster, innkeeper, or other person, shall add, or cause to be added, in words or figures, the month, and day of the month, and in case such horse or horses shall be hired to return the same day with the same carriage, and any person or persons therein by or for whom such horse or horses are so hired, then the words *To return*; and if any postmaster, innkeeper, or other person, shall neglect to ask, demand, and receive, the said duty of one penny *per* mile, or twelve-pence, as the case may happen to be, from such person or persons hiring such horse or horses, or neglect or refuse to deliver such ticket or tickets, such postmaster, innkeeper, or other person, shall, for every such offence, forfeit and pay the sum of five pounds, and moreover, in case of not receiving the said rate or duty, be chargeable therewith to his Majesty, his heirs and successors, in the same manner as if he, she, or they had actually received the same.

XII. And it is hereby further enacted by the authority aforesaid, That every postmaster, innkeeper, or other person so licensed to let horses as aforesaid, shall insert in the account herein-before specified so delivered to him, her, or them, from the stamp-office, the number of horses used in travelling post, and the number of miles for which such horses shall have been so used, also the number of horses let to hire for a day, or any less period of time, and the day of the month on which the same were used, together with the names of the postillions or drivers employed; which said account shall be signed by such postmaster, innkeeper, or other person so licensed as aforesaid, and witnessed by the hostler or other servant employed in preparing and getting ready such horses, and shall be open, when required, to the inspection of any person or persons duly authorised, under the hands and seals of the said commissioners for managing the duties on stamped vellum, parchment, and paper, to inspect the same; and such postmaster, innkeeper, or other person, so licensed as aforesaid, residing in the city of *London* or liberty of *Westminster*, shall, the first *Tuesday* or *Wednesday* in every month, and such other persons so licensed as aforesaid, residing within five miles of the city of *London* or liberty of *Westminster*, or within the bills of mortality, shall, the first *Thursday* or *Friday* in every month, or at such other times as may be appointed by the said commissioners, on

1779.] Anno decimo nono GEORGII III. C. 51.

publick notice given in the *Gazette*, bring in and deliver to the commissioners, or to the person or persons appointed by them for the purpose of receiving the same, at the head office, the accounts herein-before directed for the four weeks ending on the *Saturday* preceding such day of delivery, and shall, within eight days thereafter, pay such sum and sums of money which shall appear to be due thereon to the receiver-general for the time being of the duties on stamped vellum, parchment, and paper, or to the proper officer for the time being for collecting the laid duties, for the use of his Majesty, his heirs and successors, at the head office in *Lincoln's Inn*, or wherever else the same may be held, upon pain of forfeiting ten pounds for every default in not delivering in such account, and double the amount of the money so due and payable from such postmaster, innkeeper, or other person, for the said rates or duties, for the nonpayment thereof.

at the stamp office, &c.

XIII. And it is hereby further enacted, That every postmaster, innkeeper, or other person so licensed as aforesaid, not residing within the cities of *London* or *Westminster*, or within five miles of the same, or within the bills of mortality, shall, at all such times and places to be appointed for that purpose as herein-after mentioned, produce and deliver the accounts herein before directed for the weeks ending on the *Saturday* preceding such delivery, and then unaccounted for, to the person or persons duly authorised, by commission under the hands and seals of three of the said commissioners for managing the duties on stamped vellum, parchment, and paper, to receive such accounts, and the money due thereon, and at the same time pay to such person or persons all sum and sums of money which shall appear to be due upon such accounts, under the penalty of ten pounds for every default in not delivering such accounts, and double the amount of the money due and payable from such postmaster, innkeeper, or other person, for the said rates or duties for the nonpayment thereof.

Where and when licensed persons living in other parts of the kingdom shall deliver their accounts, &c.

XIV. And be it further enacted by the authority aforesaid, That all and every ticket delivered from the stamp-office, that shall appear with the number of miles expressed therein, either in words or figures, shall be deemed a ticket upon which the duty has been received, and shall be accounted and paid for by the postmaster, innkeeper, or other person, according to such number of horses and miles marked thereon, at and after the rate aforesaid.

All tickets having the number of miles expressed therein, shall be accordingly paid for by the postmaster, &c.

XV. And it is hereby further enacted by the authority aforesaid, That every postmaster, innkeeper, or other person, so licensed as aforesaid, who shall be guilty of any wilful concealment, or making false accounts, or any other fraudulent contrivance, device, or pretence whatsoever, with an intent or design to defraud his Majesty, his heirs or successors, of any of the rates or duties imposed by this act, or any part thereof, such postmaster, innkeeper, or other person, shall forfeit the sum of twenty pounds, to be recovered as herein-after directed; and

Penalty on postmasters, &c. who shall endeavour to defraud his Majesty of the rates imposed by this act.

the said commissioners shall and may, if they shall so think fit, after judgement obtained against such offender, refuse to grant to such offender any licence in future.

Every post-
master, &c.
who shall take
the hire for
horses travel-
ling post shall
be accountable
for the duty.

XVI. And in order to prevent the evading the payment of the duties hereby granted, by permitting carriages conveying persons post to be drawn by horses which have paid the duty for the stage, under the pretence of such horses being upon the return home; be it further enacted by the authority aforesaid, That every postmaster, innkeeper, or other person, who shall take the hire for such horses by the mile, or from stage to stage, shall be considered as the person to whom the duties herein-before granted shall be paid, and shall be chargeable with and accountable for the same, as if such postmaster, innkeeper, or other person, was the actual proprietor of such horses, although the same may belong to, and be the property of, any other licensed postmaster, innkeeper, or other person.

No postmaster,
&c. at whose
house any
traveller shall
change horses,
shall let them
any other way
than by the
mile or stage.

XVII. And, in order to prevent evading the payment of the duties hereby granted upon horses hired by the mile or stage, under pretence of the letting such horses for a day, or any less period of time, be it enacted by the authority aforesaid, That no postmaster, innkeeper, or other person, at whose inn, house, or other place, kept for letting horses to hire, any traveller or travellers, shall change horses, shall let to hire any horse or horses, to such traveller or travellers, in any other manner than by the mile or stage; and if any postmaster, innkeeper, or other person, shall act contrary hereto, he, she, or they, shall, for every offence, forfeit and pay the sum of five pounds, to be recovered as herein-after mentioned.

Receiver-general
of the
stamp-duties
shall pay to the
toll-gate
keepers 10s.
where the du-
ties on tickets
delivered by
them shall
amount to
100l. &c.

XVIII. And, in compensation for the trouble every toll-gate keeper may have in and about the execution of this act, and for an encouragement to discover and detect frauds that may be committed against the same, be it enacted by the authority aforesaid, That the said receiver-general at the head office, and the said other collectors, shall and may, and they are hereby authorised and required to pay to the respective toll-gate keepers, who shall deliver, as herein-after mentioned, tickets by him or her received at such respective gates, the sum of ten shillings, where the duties upon such tickets shall amount to one hundred pounds; and at and after that rate for tickets where the duties thereon shall amount to any greater or less sum than one hundred pounds, and also allow such toll-gate keeper to retain the money collected by him from such traveller or travellers who shall not, pursuant to this act, have delivered tickets to such toll-gate keeper, as aforesaid.

Where and
when the toll-
gate keepers
shall bring the
said tickets.

XIX. Provided always nevertheless, and it is hereby enacted, That all and every toll-gate keeper shall, for the compensation and allowance aforesaid, bring, or cause to be brought, the tickets herein-before mentioned by him or her received, if within five miles of London, then to the head office there, or to such other place within the bills of mortality as the commissioners shall appoint; and if beyond the distance of five miles from London, then to such places, and at such times, as the collector appointed

ed to collect such duties shall require, and deliver up, or cause to be delivered up, such tickets to the receiver-general or collector to be appointed as aforesaid.

XX. And be it further enacted by the authority aforesaid, That all and every toll-gate keeper who shall have received such stamp-office tickets as aforesaid, who shall not bring, or cause to be brought, such tickets, at the times and places aforesaid, shall, upon demand made at the gate of such turnpike, deliver such tickets to the collector to be appointed by the said commissioners for managing the duties on stamped vellum, parchment, and paper, as aforesaid; and if any toll-gate keeper shall refuse to deliver up all and every such stamp-office tickets, so received by him or her, upon such demand as aforesaid, every toll-gate keeper shall, for each ticket he or she shall so refuse to deliver up, forfeit and pay the sum of five shillings, to be recovered as herein-after is directed.

Penalty on toll-gatekeepers who shall not deliver up tickets on demand.

XXI. And be it further enacted by the authority aforesaid, That all and every postmaster, innkeeper, or other person, so licensed as aforesaid, not residing in the cities of *London* and *Westminster*, nor within the bills of mortality, shall, at the times and at the places to be mentioned at the foot of the first licence granted to him, her, or them, when the same shall be delivered, and afterwards at the foot of every receipt which shall be given by the collector for the money paid in by him, her, or them, on account of the said duties, attend, and there deliver in and pass his account, and pay the duty received by him, her, or them, as aforesaid, to the collector so appointed to collect the same: provided that no such person as aforesaid shall be compelled to travel for the payment of the said duties, or other causes whatsoever touching or concerning the same, if he, she, or they live in a market-town, out of the said town, or if he, she, or they live out of a market-town, then to no other place than to the market-town nearest to his, her, or their habitation.

Where postmasters, &c. residing out of the bills of mortality, are to attend and pass their accounts.

XXII. Provided also, and it is hereby further enacted and declared, That nothing herein contained shall extend, or be construed to extend, to any horses used in hackney-coaches, licensed pursuant to several acts of parliament made for that purpose; nor to any horse or horses used in the drawing of any coach, chariot, or chaise, or any other carriage, used in travelling post, where such horse or horses shall be hired to return before twelve of the clock at night of the same day with the same carriage, and any person or persons therein by or for whom such horse or horses were hired, and shall actually return accordingly.

This act not to extend to horses used in hackney-coaches, &c.

XXIII. And it is hereby further enacted and declared by the authority aforesaid, That every horse hired by the mile, or stage, shall be deemed to be hired to travel post, within the true intent and meaning of this act, although the person or persons hiring the same do not go or travel several stages upon a post-road, or change horses; and although at the stage or place at or to which

All horses hired by the mile, or stage, shall be deemed hired to travel post.

such horse shall be hired there shall not be any post-house; and although there shall not be any post settled or established on the road, or any part thereof, upon which such horse shall be hired to go; any thing herein-before contained, or any law or usage, to the contrary notwithstanding.

On the death of any licensed postmaster, &c. his executor, &c. shall not be liable to any penalty for letting horses to hire, provided they take out a licence within 10 Days after his death.

XXIV. And be it further enacted by the authority aforesaid, That if any postmaster, innkeeper, or other person, licensed to let horses in manner aforesaid, shall die, it shall and may be lawful for his or her executors, administrators, or other persons succeeding to such inn, house, or other place, to let horses to hire in manner aforesaid, until such time as such person shall procure such licence, and give such security as herein-before directed without being liable to the penalty herein-before inflicted upon the persons letting horses to hire without being licensed in that behalf, provided such licence be taken out within thirty days after the death of such post-master, innkeeper, or other person; and such person or persons shall be subject to the same rules, regulations, and charges, and liable to account, and to the payment of the same rates and duties hereby imposed, as such postmaster, innkeeper, or other person, was subject and liable to.

No person shall let out for hire any diligence, or post coach, &c. without a licence,

XXV. And be it further enacted by the authority aforesaid, That, from and after the fifth day of *July*, one thousand seven hundred and seventy nine, no person who shall keep any four-wheeled chaise, or other machine, commonly called a *diligence* or *post coach*, or by what name soever such carriage or carriages now are or hereafter shall be called or known, for the purpose of conveying, in the inside thereof, any number of passengers, not exceeding four, for hire, from stage to stage, or from place to place, shall let out the same for such purpose, without having first obtained a licence under the hands of two of the said commissioners for managing the duties on stamped vellum, parchment, and paper, for that purpose, upon pain to forfeit, for every time such machine shall be so used, the sum of five pounds, to be recovered and applied as herein-after is directed.

On penalty of 5l. for each offence.

Commissioners of Stamp-duties to grant such licences to all persons who shall apply for them.

XXVI. And be it further enacted by the authority aforesaid, That, from and after the passing of this act, any two or more of his Majesty's commissioners appointed for managing the duties arising by stamps on vellum, parchment, or paper, or some person duly authorised by them, shall grant licences, under their hands and seals, to any person or persons who shall apply for the same, to let out for hire any such diligence, or other carriage, for the purpose aforesaid, for the space of one year, to commence from the fifth day of *July*, one thousand seven hundred and seventy-nine, upon all licences to be granted on or before that day; and upon licences to be first granted to any person or persons after the said fifth day of *July*, one thousand seven hundred and seventy-nine, to commence from the day of the date of such licence; which said licence shall be renewed at least ten days previous to the expiration of the year for which it was granted; and if the person or persons so licensed shall continue

to let out for hire such machine, diligence, or carriage, as aforesaid, he, she, or they shall, in the same manner, renew such licence from year to year, paying down the respective sums due for such licence, and so yearly and every year, as long as he, she, or they shall continue to let such diligence, or other carriage, in manner aforesaid.

XXVII. And be it further enacted by the authority aforesaid, That no person or persons, so licensed to let out diligences, or other carriages, in manner aforesaid, shall, by virtue of one licence, keep more than one diligence, or other carriage, for the purpose aforesaid.

Only one diligence, &c. to be kept by virtue of one licence.

XXVIII. And be it further enacted by the authority aforesaid, That all and every person or persons, so licensed to use any diligence or carriage as aforesaid, to and from stage to stage, or from place to place, shall pay to his Majesty, his heirs and successors, the sum of one halfpenny for every mile every such carriage or carriages shall be so used or travel, as aforesaid.

All licensed persons to pay one halfpenny for every mile their diligence, &c. shall travel;

XXIX. And it is hereby further enacted by the authority aforesaid, That all and every person or persons, so licensed to use such diligence, or other carriage, as aforesaid, shall, at the time of receiving such licence, declare from what place, and to what place, such diligence, or other carriage, is intended to be used, distinguishing the distance or number of miles between the two extreme towns or other places such diligence or other carriage is to go, and the number of journeys each such diligence or carriage is so intended to be used, either in the day or in the week, as the case may happen to be, that the same may be inserted in such licence; and all and every person or persons, so licensed for such purpose as aforesaid, shall give security, by bond, to his Majesty, his heirs and successors, in the sum of twenty pounds, with a condition for the faithful accounting for and paying such sums as may be due for the journeys such diligence or other carriages may have so made.

and shall declare, when they receive their licence, to and from what places it is intended to be used, and how often

XXX. And, in regard it may be difficult to ascertain the number of times such licensed diligences, or other carriages, making short stages about London, may go in a day, it is hereby provided and enacted, That the commissioners for managing the stamp-duties, or the major part of them, or such officers as they shall appoint in that behalf, shall and may, and they are hereby impowered to make such allowances as shall appear to be just to any person or persons licensed to use any diligence, or other carriage, as aforesaid, to go from and to return to London, where the distance does not exceed twelve measured miles, upon oath made by the owner of such diligence, or other carriage, before the said commissioners, or the major part of them, or such officers so to be appointed, as to the number of journeys actually made in a day by such diligence or other carriage, where the same shall differ from the number expressed in such licences; which oath the said commissioners are hereby required to administer, and to examine into all the circumstances relative to the number of journeys so made by such diligence, or other carriage, as aforesaid,

Discretionary powers vested in commissioners relative to diligences, &c. passing and repassing within 12 miles of London.

any thing herein contained to the contrary notwithstanding; and the said commissioners, or the major part of them, are hereby impowered to make such regulations, with respect to such diligences, or other carriages, where such allowances are applied for, as they shall, from time to time, find necessary, as well for the effectual securing the duties on such diligences, or other carriages, as doing justice to the owners or proprietors thereof.

The name of the owner of every diligence, &c. to be painted on the outside of each door.

Where and when the duties arising from diligences, &c. shall be paid.

XXXI. And be it further enacted by the authority aforesaid, That all and every person or persons so licensed to use every such carriage as aforesaid, shall mark or paint, or cause to be marked or painted, on the outside pannel of each door, before he, she, or they shall use the same for the purpose aforesaid, his, her, or their christian and surname, mentioning the place from whence they set out, and to which they are going, in plain and legible characters; and every proprietor of every such diligence or other carriage as aforesaid licensed to go from *London* to any other place, or from any other place to *London*, shall, on the first *Monday* in every month, between the hours of eight in the morning and two in the afternoon, unless the same be an holiday, and then on the next day not being an holiday, clear the said duties charged and become due by virtue of this act, by paying the same to the receiver-general of stamped vellum, parchment, and paper, or to the proper officer for the time being for collecting the said duties, for the use of his Majesty, his heirs and successors, at the head office in *Lincoln's Inn*, or wherever else the same be held; and if such proprietor or proprietors shall be licensed from any town in the country to any other town than *London*, then such proprietor or proprietors shall clear the said duties, by paying the same to the person duly authorized, by commission under the hands and seals of three of his Majesty's commissioners of the stamp-duties, to receive the same, under the penalty of ten pounds.

Licensed proprietor of any diligence, &c. to give seven days notice before he discontinue the same.

XXXII. Provided always, That every such licensed proprietor or proprietors of any diligence or other carriage as aforesaid, who shall lay down and discontinue the use of the same, shall give notice, in writing, seven days at least before he, she, or they shall lay down or discontinue such diligence or other carriage, and shall have such notice indorsed upon the back of such his, her, or their licence or licences, or upon the bond so to be given as aforesaid, and from thenceforth, on payment of all arrears, shall be no longer charged or chargeable for or in respect of such diligence or other carriage.

Postmasters, &c. to be allowed 3d in the pound out of the monies to be accounted for and paid by them.

XXXIII. And it is hereby enacted by the authority aforesaid, That the said receiver-general at the head office, and the said other collectors duly appointed to receive the duties hereby imposed, shall make an allowance to the several postmasters, innkeepers, or other persons licensed as aforesaid, and they shall be intitled respectively to deduct for their own use, at and after the rate of three-pence in the pound, out of the monies by them regularly accounted for and paid to such receiver-general or other collector, according to the directions hereinbefore contained.

Penalty on

XXXIV. And be it further enacted by the authority aforesaid,

said, That if any person, shall falsely make, forge, or counterfeit, forging any or cause or procure to be falsely made, forged, or counterfeited, ticket, or uttering the same, or wilfully act or assist in the false making, forging, or counterfeiting, any ticket, by this act authorised or directed, to be used, with an intent to defraud his Majesty, his heirs and successors, of any of the said duties, or shall utter or publish as true any false, forged, or counterfeited ticket, with an intent to defraud his Majesty, his heirs and successors, of any of the said duties; every person so offending, and being thereof lawfully convicted, shall forfeit and pay the sum of fifty pounds, to be levied and applied as herein before directed and declared.

XXXV. And be it further enacted by the authority aforesaid, Pecuniary penalties amounting to twenty pounds or more, shall be divided and distributed, to wit, one moiety thereof to his Majesty, his heirs and successors, and the other moiety thereof, with full costs of suit, to such person or persons who shall in or in and sue for the same, in any of his Majesty's courts at *Westminster*, for offences committed in *England*, *Wales*, or *Berwick upon Tweed*, and in his Majesty's court of session, court of justiciary, or court of exchequer, in *Scotland*, by action of debt, bill, plaint, or information, wherein no essoin, protection, privilege, wager of law, or more than one imparlance, shall be allowed.

XXXVI. Provided always, and it is hereby enacted by the authority aforesaid, That it shall and may be lawful to and for any two or more justices of the peace, residing near the place where the offence shall be committed, to hear and determine any offence against this act, which subjects the offender to any pecuniary penalty not exceeding twenty pounds; which said justices of the peace are hereby authorised and required, upon any information exhibited, or complaint made, in that behalf, to summon the party accused, and also the witnesses on either side, and upon the appearance or contempt of the party, shall proceed to the examination of the matter of fact; and upon due proof made thereof, either by the voluntary confession of the party, or by oath of one or more credible witness or witnesses, to give judgment or sentence for the penalty or forfeiture, according as in and by this act is directed, and to award and issue out their warrants, under their hands and seals, for the levying any pecuniary penalties or forfeitures so adjudged, on the goods of the offender, and to cause sale to be made thereof, in case they shall not be redeemed within six days, rendering to the party the overplus, if any; and where the goods of such offender cannot be found sufficient to answer the penalty, to commit such offender to prison, where to remain until such pecuniary penalty shall be paid and satisfied; and if either party shall find himself aggrieved by the judgment of the said justices, then he or they shall or may, upon giving security to the amount of the value of the penalties and forfeitures so awarded by such two justices, appeal to the justices of the peace at the next general quarter sessions for that county, riding, or place, who are hereby im-

Two justices may determine any offence against this act, if the penalty does not exceed 20/.

Persons aggrieved may appeal to the quarter sessions.

Wid to consent
back to the
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Justices may
impose the
penalties.

Receiver-ge-
neral of
stamped ties
to pay the
duties granted
by this act
into the ex-
chequer.

Auditor to
keep a sepa-
rate account
thereof.

Part of an act
of Anne re-
pealed.

Persons sued
for any thing
done in pur-

powered to summon and examine witnesses, upon oath, and
finally to hear and determine the same; and in case of conviction
to issue warrants for levying the penalties as aforesaid.

XXXV. Provided nevertheless, That it shall and may be
lawful to and for the said respective justices, where they shall
see cause, to mitigate and lessen any such penalties as they shall
think fit, reasonable costs and charges of the officers and infor-
mers, as well in making the discovery as in prosecuting the
same, being always allowed over and above such mitigation,
and so as such mitigation do not reduce the penalties to less than
double the duties over and above the said costs and charges;
any thing contained in this act, or any other act of parliament,
to the contrary notwithstanding.

XXXVIII. And be it further enacted by the authority afore-
said, That the several duties herein-before granted shall be
paid, from time to time, into the hands of the receiver-general
for the time being of the duties on stamped vellum, parchment,
and paper, who shall keep a separate and distinct account of the
several rates and duties, and pay the same (the necessary charges
of raising, paying, and accounting for the same, being deducted)
into the receipt of the exchequer, at such time, and in such
manner, as the duties, now charged on stamped vellum, parch-
ment or paper, are directed to be paid; and that in the office of
the auditor of the said receipt shall be provided and kept a book
or books, in which all the monies arising from the said several
rates and duties, and paid into the said receipt as aforesaid, shall
be entered separate and apart from all other monies paid or
payable to his Majesty, his heirs or successors, upon any ac-
count whatsoever; and the said money, so paid into the said re-
ceipt of exchequer as aforesaid, shall, together with such other
rates, duties, and revenues, as shall be granted by any act or
acts of this session of parliament for this purpose, be a fund for
the payment of the several annuities, and all such other charges
and expences as are directed to be paid and payable pursuant to
an act of this present session of parliament, (intituled, *An act
for raising a certain sum of money by way of annuities, and for esta-
blishing a lottery.*)

XXXIX. And be it further enacted by the authority aforesaid,
That so much of an act, made in the ninth year of the reign of
her late majesty Queen Anne, (intituled, *An act for establishing a
general post-office for all her Majesty's dominions, and for settling a
weekly sum out of the revenues thereof for the service of the war,
and other her Majesty's occasions,*) as restrains any persons, other
than the postmaster-general for the time being, and the respec-
tive deputies and substitutes of such postmaster-general, from
preparing or providing, or from letting out, or furnishing
horses or furniture for riding post within this kingdom, shall
be, and the same is hereby repealed and made void.

XL. And be it further enacted by the authority aforesaid,
That, if any person or persons shall at any time or times be sued,
molested, or prosecuted, for any thing by him or them done or
executed

executed in pursuance of this act, or of any clause, matter, or thing, herein contained, such person or persons shall and may plead the general issue, and give the special matter in evidence for his or their defence; and if upon the trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs become convicted, then such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs.

suance of this act, may plead the general issue, and recover treble costs.

C A P. LII.

An act for taking off the duty upon all salt used in the curing of pilchards, and laying a proportionable duty upon all pilchards consumed at home only.

WHEREAS, by an act of parliament, passed in the fifth year of the reign of his late majesty King George the first, intituled, An act for recovering the credit of the British fishery in foreign parts, and for better securing the duties on salt, pilchards cured for exportation are exempted from the payment of any duty on salt to his Majesty, except the customs payable on the importation thereof: And whereas of late times the pilchard fishery hath been so much increased, that the demands of foreign markets have been found insufficient to take off and vend the quantities of pilchards cured at a price adequate to encourage and preserve a fishery so valuable: And whereas, upon a serious view and investigation of the state of the said fishery, there is reason to hope that the same may be preserved, and carried on in its full extent, if, under proper regulations, a reasonable abatement were made in the duty on salt used in the curing of all such pilchards as may be appropriated for home consumption; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of July, one thousand seven hundred and seventy-nine, the duties now payable on salt used in curing of pilchards for home consumption, shall cease, determine, and be no longer paid.

Preamble.

Recital of an act 5 Geo. 1.

After July 5, 1779, duties on salt used in curing pilchards for home consumption, to cease.

II. And be it further enacted by the authority aforesaid, That at the beginning of every fishing season for pilchards, the proprietor or proprietors of the salt delivered duty-free for the curing of pilchards for exportation, pursuant to the said act, or his or their agent or agents, shall, instead of the oath required by the said act, make oath, in writing, before the officer for the duty on salt, at the office nearest to the place where the salt is lodged, (who is hereby empowered to administer the same,) declaring the quantity of the foreign or British salt respectively lodged for the curing of fish, and that all the said salt is intended for the curing of fish for exportation only, and shall not, by his or their order, consent, or connivance, directly or indirectly, be sold, given away, or any way delivered, but for the purpose aforesaid, except so much thereof as shall be used for curing such pilchards

New oath to be taken by the proprietors of salt delivered duty-free at the beginning of the fishing season for pilchards &c.

and as shall be entered with the office of the place for home consumption, and charged with the duties by this act chargeable thereon.

Pilchards for home consumption to be entered at the next salt-office, and a duty of 5s 2d halfpenny to be paid for every cask of 50 gallons.

No curer to sell less than 25 gallons at a time.

On entry and payment of the duty, &c a permit to be given gratis by the salt-officer

Penalty on selling in less quantities than above-mentioned, &c.

III. And be it enacted by the authority aforesaid, That every curer of pilchards, from and after the fifth day of July, one thousand seven hundred and seventy nine, before he removes any pilchards (except for exportation) from the office, cellar, or place, where the same shall be cured, shall, from time to time, make entry thereof at the next salt office; and shall pay to his Majesty, his heirs and successors, a duty of five shillings and two pence halfpenny for every cask or barrel, containing fifty gallons of cured pilchards, so to be removed, and so in proportion for a greater or less quantity, in lieu and full satisfaction of any other duty imposed or laid on *British* or foreign salt, to his Majesty, in respect of pilchards cured as aforesaid, for home consumption, and that no such curer shall sell a less quantity than twenty five gallons of pilchards at any one time, and that such pilchards shall be packed or put up in casks, each cask not containing less than twenty-five gallons, and the contents of such cask shall be marked on the heads thereof, by the proper officer of the commissioners of the salt duties, and upon entry and payment of the duty, and marking such casks as aforesaid, a permit shall be given *gratis* by the salt-officer, expressing the contents of the casks for the which the duty shall be paid, as aforesaid, and the marks of such casks, and for what place the same are intended, and whether to be sent by land or water carriage, on pain of forfeiting all the pilchards that shall be sold in less quantities than herein before mentioned, or that shall be removed or carried away before entry is made, and the duty paid, and without the casks containing such quantity of pilchards at the least, and being marked, and such permit obtained as aforesaid, and of the cask or vessel in which such pilchards shall be found, and also the sum of forty shillings for every twenty five gallons of pilchards so sold or removed, and so in proportion for a greater or less quantity, to be recovered from the person or persons who shall so sell, remove, or carry away, the same; one moiety thereof for the use of his Majesty, his heirs and successors, and the other moiety to the officer or officers who shall seize, sue, or inform for the same, to be sued for, recovered, and levied, in such manner and form, and with such power of mitigation, as any fine, penalty, or forfeiture, may be sued for, recovered, levied, and mitigated, by any law of excise, or by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*; and all and every officer and officers of his Majesty's customs, excise, or duties upon salt, are hereby authorised and empowered to seize all such pilchards so sold in less quantities than herein-before mentioned, or removed or carried away before entry and payment of duty, and all other things performed as aforesaid, and the said casks or vessels where-in they shall be found.

Retailers of pilchards not

IV. And be it further enacted, That no person or persons purchase

purchasing pilchards to sell by retail shall, at any one time, buy to buy less a less quantity than twenty-five gallons, and shall also be ob- than 25 gal- liged, upon demand, or inquiry made of him or them for that lons at a time, purpose, by any officer or officers of the customs or excise, in nor refuse to discover the some reasonable time of the day, to discover to such officer or names of the, officers the name or names, and place or places of abode, of the cures. curer or vendor of any quantity or quantities of pilchards then in his possession; and that if any such retailer shall purchase a less Penalty. quantity of pilchards than is before mentioned, or shall, upon such demand or inquiry, refuse to discover the name and place of abode of any such curer or vendor, every person so offending shall, in each case, forfeit the quantity or quantities of pilchards so purchased, or respecting which such demand or inquiry shall be made, and the cask or casks (if any) wherein the same shall be contained, and also the sum of forty shillings, to be recovered by the ways or means, and in manner herein-before mentioned or directed.

V. And be it further enacted, That the proprietor or pro- Proprietors of prietors of the salt delivered duty-free for curing pilchards for salt delivered duty free for exportation, his, her, or their agent or agents, shall in the ac- curing pilch- count which, after the end of every fishing season, they are to ards for ex- deliver in writing into the salt-office, containing the quantity of portation, are, fish exported, or entered and shipped to be exported, on which in their ac- the salt taken away, after its delivery into the sole custody of the count at the said proprietor or proprietors, his, her, or their agent or agents, end of the has been used or consumed, as by the former law is directed, season, to ex- (and under the penalties thereby prescribed,) express also the press the quantity of pilchards entered for home consumption, on quantity en- which such salt has been used or consumed. tered for home con- sumption, on which such salt has been used.

VI. Provided always, and be it further enacted, That in case the duties of excise on salt, (which now amount to three shillings and four-pence *per* bushel on home-made salt, and six shillings and eight-pence *per* bushel on foreign salt,) or any of them, shall cease, determine, or be redeemed by parliament, then the rate or duty of five shillings and two pence halfpenny for every cask or barrel, containing fifty gallons, hereby impos- In case the ed upon cured pilchards for home consumption, shall cease, or duties on salt should be less- ened, then the rate on pil- chards shall be lessened in proportion. be lessened in proportion.

C A P. LIII.

An act for discontinuing the duties on cotton-wool, the growth and product of the British colonies or plantations in America, -exported from this kingdom.

WHEREAS the importation of cotton wool, the growth and Preamble. product of the British colonies and plantations in America, may be increased, and the manufacture thereof promoted and encouraged, if the duties now payable on the exportation thereof from this kingdom are discontinued; be it therefore enacted by the King's most excel-

After June 24. 1779, the duties on the exportation of cotton-wool, the growth of the British colonies in America, shall cease.

The afore said cotton-wool to be duly entered, and shipped in the presence of proper officers, &c or otherwise liable to the duty.

excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the twenty-fourth day of June, one thousand seven hundred and seventy-nine, the duties now payable upon cotton-wool, the growth or produce of the British colonies or plantations in America, exported from this kingdom to any parts beyond the seas, shall cease, determine, and be no longer paid or payable; any law, custom, or usage, to the contrary notwithstanding.

II. Provided always, and it is hereby further enacted by the authority, aforesaid, That due entries shall be made at the custom house of all such cotton-wool, in the same manner and form, expressing the quantities and qualities thereof, as was used and practised before the making of this act; and such cotton-wool shall be shipped outwards in the presence of the proper officers of the customs appointed for that purpose; and the exportation thereof shall be in British-built ships or vessels, navigated according to law; and on failure of the said conditions and directions, or any or either of them, the said cotton-wool shall be liable to the same duty as if this act had never been made; any thing herein-before contained to the contrary notwithstanding.

C A P. LIV.

An act for further continuing, for a limited time, an act, made in the sixteenth year of the reign of his present Majesty, intituled, An act to authorise, for a limited time, the punishment, by hard labour, of offenders who, for certain crimes, are or shall become liable to be transported to any of his Majesty's colonies and plantations.

Preamble.

16 Geo. 3,
Cap. 43, re-
cited,

and further
continued till
July 1, 1779.

WHEREAS an act of parliament was made in the sixteenth year of the reign of his present Majesty, intituled, an act to authorise, for a limited time, the punishment, by hard labour, of offenders who, for certain crimes, are or shall become liable to be transported to any of his Majesty's colonies and plantations: And whereas the said act was continued, by an act made in the last session of parliament, until the first day of June one thousand seven hundred and seventy-nine: and whereas it is expedient further to continue the said first-mentioned act for a further time to be limited; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said act shall be, and is hereby further continued from the said first day of June, until the first day of July, one thousand seven hundred and seventy-nine.

C A P. LV.

An act for enlarging the times appointed for the meetings of commissioners or trustees for putting in execution certain acts of this session of parliament.

WHEREAS certain acts may have been made and passed in this present session of parliament, appointing the first meetings of the commissioners or trustees for putting such acts in execution upon certain days, which have elapsed before, or happened upon, the respective days of passing such acts, and doubts may arise, whether in such cases the commissioners or trustees appointed in and by such acts are authorised to meet and carry such acts into execution; may it therefore please your Majesty that it may be enacted; And be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That in case any act or acts of parliament hath or have passed during this present session of parliament, and the commissioners or trustees for putting such act or acts in execution shall not have met and holden their first meetings on the respective days appointed by such acts respectively, or shall have met and holden any meetings without sufficient authority so to do, it shall and may be lawful for such commissioners or trustees, or such number of them as by such act are authorised to meet and to put such acts in execution, to meet and proceed in the execution of such acts respectively, on or before the day fortnight next after the end of this present session of parliament; and all such meetings so had, shall and are hereby declared to be as good, valid, and effectual, to all intents and purposes whatsoever, as if the commissioners or trustees had met and proceeded to put such acts in execution on the days appointed in and by such respective acts, or as if they had been authorised by such respective acts to have holden meetings on the days on which any meetings may have been already holden, as aforesaid; and all acts, matters, and things, which shall be done by such commissioners or trustees in the execution of such acts respectively, shall be as valid and effectual in all respects, and to all intents and purposes whatsoever, as if the first meetings had been held on the days appointed by such acts respectively, or as if they had been authorised by such respective acts to have holden meetings, on the days on which any meetings may have been already holden as aforesaid.

Preamble.

If the commissioners or trustees appointed to execute any act of this session, shall not have met as therein appointed, &c. they may meet on or before the day fortnight next after the end of this session.

C A P. LVI.

An act for altering, amending, and enforcing, so much of an act, made in the seventeenth year of the reign of his present Majesty, intituled, An act for granting to his Majesty certain duties on licences to be taken out by all persons acting as auctioneers;

and

and certain rates and duties on all lands, houses, goods, and other things, sold by auction; and upon indentures, leases, bonds, deeds, and other instruments; as relates to the method of granting licences to auctioneers, and to the collecting the duties on estates and goods sold by auction.

Preamble.

17 Geo. 3.
cap. 36, re-
cited.

Part of the said
act repealed.

The duty
granted by
the former act
of 6d. in the
pound out of
the purchase-
money of
plate and
jewels, re-
pealed;

WHEREAS, by an act, made in the seventeenth year of the reign of his present Majesty, intituled, An act for granting to his Majesty certain duties on licences to be taken out by all persons acting as auctioneers; and certain rates and duties on all lands, houses, goods, and other things, sold by auction; and upon indentures, leases, bonds, deeds, and other instruments; certain duties were imposed on all licences to be taken out by persons selling estates, goods and chattels, by auction, and on the purchase-money of the things so sold: and whereas the powers, rules, and regulations, therein prescribed for ascertaining, securing, and collecting, the said duties, and for preventing frauds therein, have been found ineffectual to secure the payment thereof; and the said duties have, by reason of various frauds and evasions, been greatly decreased or withheld; for remedy thereof, and for the better securing the payment of the said duties, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of July, one thousand seven hundred and seventy-nine, the several powers, rules, regulations, and provisions, by the said act given and directed, for granting licences to auctioneers, and for collecting and managing, the duties by the said act imposed on licences to be granted to persons selling by auction, and on the purchase-money of the estates, goods, and effects so sold, shall cease and determine, and be no longer used, except in all cases relating to the recovery of any arrears which may at that time remain unpaid of the said duties, or to any penalty or forfeiture which shall have been incurred upon, or at any time before, the said fifth day of July, one thousand seven hundred and seventy-nine, any thing herein contained to the contrary notwithstanding.

It And whereas, by the said recited act, it is, amongst other things, enacted, That, from and after the twenty-ninth day of September, one thousand seven hundred and seventy-seven, there shall be raised, levied, collected, and paid, in such manner as in the said act is mentioned, to and for the use of his Majesty, his heirs and successors, the sum of sixpence for every twenty shillings, out of the purchase-money arising by sale at auction of all plate and jewels: and whereas the said duty of sixpence in every twenty shillings, out of the purchase money of the said goods, has been found to prevent, in a great measure, the sale of the said goods, by auction, to the prejudice of the revenue intended to be raised by the said act; be it therefore enacted by the authority aforesaid, That, from and after the said fifth day of July, one thousand seven hundred and seventy-nine, the said duty of sixpence in every twenty shillings, out

of

of the purchase-money of the said goods, shall be; and the same is hereby repealed; and that the sum of three-pence for every twenty shillings, out of the purchase-money arising by sale at auction of all plate and jewels, shall be raised, levied, and collected, to and for the use of his Majesty, his heirs and successors; the said duty to be paid, accounted for, recovered, and applied in such and the like manner as the other rates and duties, granted by the said recited act upon sales by auction, are directed to be paid, accounted for, recovered, and applied; any thing therein; or in this present act, contained to the contrary notwithstanding.

and a duty of 3d. in the pound substituted instead thereof.

III. And, for the better preventing the like frauds, and for the more effectual securing the payment of the duties by the said act imposed, be it further enacted by the authority aforesaid, That, from and after the said fifth day of July, one thousand seven hundred and seventy-nine, no person whatever, not already licensed according to the said act, who now, or at any time or times hereafter doth or shall exercise the trade or business of an auctioneer, or seller by commission, at any sale of any estate, goods, or effects whatsoever, by outcry, knocking down of hammer, by candle, by lot, by parcel, or by any other mode of sale at auction, or whereby the highest bidder is deemed to be the purchaser, or who shall act in such capacity, shall presume to deal in, vend, or sell, any estate, goods, or effects whatsoever, by public sale or otherwise, by way of auction as aforesaid, in any manner whatsoever, without first taking out a licence, in manner herein after mentioned, before he, she, or they shall so put up to sale, or sell, any such estate, goods, or effects, by public sale, by way of auction, as aforesaid; and in which licence shall be set forth the true name and real place of abode of the person or persons taking out the same, for which he, she, or they shall immediately, upon taking out thereof, pay down for each and every licence, so to be taken out from time to time, the several sums of twenty shillings and five shillings, by the said act granted, over and besides any other duties or payments to which such person or persons may be liable for trading in, vending, or selling, any gold or silver plate, or otherwise, in manner following; that is to say, If such licences be taken out within the limits of the chief office of excise in *London*, then such licences, whether they be granted for selling by way of auction within the said limits, or in any other part of *England* or *Wales*, shall be granted under the hands and seals of two or more of his Majesty's commissioners for the duties of excise for the time being, or of such person or persons as the commissioners of excise shall from time to time appoint for that purpose, and the said respective duties shall be paid at the said chief office of excise in *London*; but if the licence for selling by auction, in the parts of *England* and *Wales*, not within the said limits, shall be taken out without the limits aforesaid, then such licences shall be granted under the hands and seals of the several collectors and supervisors of excise within their

No person to sell estates, goods &c. as an auctioneer, without having taken out a licence.

Where licences shall be taken out for *England* and *Wales*;

and where for
Scotland.

their respective collections and districts, and the said duty of five shillings, by the said act imposed, shall be paid for the same to the collector of excise who shall grant and deliver the same; and in case such licences shall be taken out within the limits of the chief office of excise in Scotland, such licences shall be granted under the hands and seals of two or more of his Majesty's commissioners of excise in Scotland for the time being, or of such person or persons as the commissioners of excise in Scotland shall appoint for that purpose, and the duty of five shillings, by the said act imposed for the same, shall be paid at the chief office of excise in Scotland, in the same manner as is herein-before described in regard to the licences to be taken out within the limits of the chief office of excise in London, but if such licences shall be taken out in any part of Scotland, not within the limits of the chief office of excise in Scotland, then such licences shall be granted under the hands and seals of the several collectors and supervisors of excise in Scotland, within their respective collections and districts, and the said duty by the said act imposed for the same, shall be paid, by each and every person and persons so taking out such licences, to the collector of excise who shall so grant and deliver the same; and such respective commissioners of excise, and the persons so to be appointed, as aforesaid, by them respectively, and also such collectors are hereby respectively authorised and required to grant and deliver such licences to the persons who shall apply for the same, upon their paying the duty by the said act directed to be paid for each and every such licence.

Licences to be
renewed an-
nually.

IV. And be it further enacted by the authority aforesaid, That every person or persons already licensed, or who, after the said fifth day of July, one thousand seven hundred and seventy-nine, shall take out any such licence as aforesaid, is, and are hereby required to take out a fresh licence, ten days at least before the expiration of twelve calendar months after taking out the first licence, before he, she, or they do presume to vend or sell, by way of auction, as aforesaid, and in the same manner to renew every such licence from year to year, paying down the like sum of twenty shillings, or five shillings, respectively, by the said act imposed for each and every new or renewed licence, at the place and at the times before-mentioned: and if any person or persons not already licensed as aforesaid, shall presume or offer to vend or sell by way of auction as aforesaid, without first taking out such licence, or without renewing the same yearly in manner as aforesaid, such person or persons shall, if the offence shall be committed within the limits of the chief office of excise in London, forfeit and lose, for every such offence, the sum of one hundred pounds; and if such offence shall be committed in any place without the said limits, then such person or persons shall, for every such offence, forfeit and lose the sum of fifty pounds.

Penalty on
selling goods,
&c. by auction
without a li-
cence, or with-
out duly re-
newing the
same.

The several
duties of 3d.
and 6d in the
pound, grant-

V. And whereas, by the said recited act, a rate or duty of three-pence is to be raised, levied, collected, and paid, for every twenty shillings of the purchase-money arising by sale at auction of any interest,

in possession or reversion, in any freehold, copyhold, or leasehold lands, tenements, houses, or hereditaments, and of any annuities or sums of money charged thereon, and of any utensils in husbandry and farming stock, ships, and vessels, and of any reversionary interests in the publick funds, and the sum of sixpence for every twenty shillings out of the purchase-money arising by sale at auction of all fixtures, furniture, plate, jewels, pictures, books, horses and carriages, and all other goods and chattels whatsoever; and whereas it may be doubted whether the said respective rates and duties so imported as aforesaid, are payable for any part of such purchase-money not amounting to the sum of twenty shillings: Now, to obviate all such doubts, it is hereby enacted and declared by the authority aforesaid, That the said respective rates and duties of three-pence and sixpence so imposed, as aforesaid, was intended to be charged, and is hereby declared to be charged and chargeable, for every twenty shillings of the said purchase-money, and in proportion for any greater or lesser sum of the purchase-money arising or to arise by sales at auction.

VI. And be it further enacted by the authority aforesaid, That, from and after the said fifth day of July, one thousand seven hundred and seventy-nine, the said respective rates and duties of three-pence and sixpence by the said act imposed, shall be, and are hereby declared to be, a charge upon every auctioneer or seller by commission, immediately from and after the knocking down of the hammer or other closing of the bidding, at every sale by way of auction, and that the rates and duties so charged shall be paid, by every such auctioneer or seller by commission, in manner, and at the times hereinafter mentioned.

After July 5, 1779, the aforesaid duties shall be a charge upon the auctioneer immediately after the closing of every sale.

VII. And be it further enacted by the authority aforesaid, That, from and after the said fifth day of July, one thousand seven hundred and seventy-nine, every person not already licensed, acting as auctioneer as aforesaid, at any publick sale or auction within the limits of the chief office of excise in London, shall, at the time of receiving the licence, give security by bond to his Majesty, his heirs and successors, in the sum of two hundred pounds, with two or more sufficient sureties, which security the commissioners for the duty of excise for the time being, or any two or more of them, or such person or persons as the said commissioners of excise shall from time to time appoint to deliver out the licences as aforesaid, is and are hereby authorised and empowered to take, that he will, within twenty-eight days after each and every sale by way of auction, deliver, at the chief office of excise in London, to the person or persons who shall be appointed by the commissioners of excise to receive the same, an exact and particular account in writing of the total amount of the money bid at each sale, and of the several articles, lots, or parcels, which shall have been there sold; and the price of each and every such article, lot, or parcel; and at the same time make payment of all such sum and sums of money as shall be due and payable to his Majesty, in pursuance

Every auctioneer within the limits of the excise-office in London, when he takes out his licence, shall be bound to his Majesty, in 200 l. with sureties, that he will, within 28 days after each sale, deliver, at the said office, a particular account thereof, &c.

and shall make
oath to the
truth of such
account.

If auctioneer
shall not fulfil
the conditions
of the bond,
commissioners
of excise may
put it in suit.

Every auctioneer in Great Britain, not within the limits of the excise-office in London, shall give security as aforesaid in such manner as he will, within six weeks after each sale, deliver in a particular account thereof, &c.

off, and according to the true intent and meaning of this act; which sum or sums of money he is hereby authorised and empowered to retain out of the produce arising by such sale, or deposit made at such sale, or otherwise recover the same by action of debt, or on the case, against the person or persons by whom such auctioneer shall be employed, or on whose account such goods shall be so sold; and every person so acting as auctioneer, or the person who acted as his clerk at such sale, if any, shall make oath to the truth of each and every such account before the commissioners of excise, or one of them, or before such person as the said commissioners of excise shall appoint to receive the same; which oath the said commissioners of excise, or one of them, or other person so to be appointed as aforesaid, is and are hereby authorised and empowered to administer; and in case the auctioneer giving such bond shall neglect to deliver in his account, or to make payment of the rates and duties as herein directed, or if it shall appear that the account delivered in by such auctioneer was not a true and just account, or that the said auctioneer hath acted contrary to the true intent and meaning of such bond, and of this present act, it shall and may be lawful for the said commissioners of excise to cause such bond to be put in suit, unless they shall find sufficient cause to forbear the same, and thereupon, in case of a verdict or judgement against the defendant, such licence shall thenceforth become void to all intents and purposes.

VIII. And be it further enacted by the authority aforesaid, That each and every person so acting as aforesaid, at every such publick auction, in any part of *Great Britain* not within the limits of the said chief office of excise in *London*, shall, at the time of receiving such licence, as aforesaid, give security by bond as aforesaid, in the sum of fifty pounds, which security shall be taken by the respective commissioners of excise in *Great Britain*, or any two or more of them, respectively, or by such person or persons as the said commissioners of excise respectively shall appoint to deliver out the said licences, in like manner as is herein-before mentioned and directed with regard to the bonds to be given within the limits of the chief office of excise in *London*, that he will, within six weeks after every sale by auction, deliver in an exact and particular account, in manner as is herein-before required to be delivered by persons selling by auction within the limits of the said chief office of excise in *London*, and shall, at the same time, make payment of all such sum and sums of money as shall be due and payable to his Majesty, for and on account of each and every sale by way of auction by him, from time to time, within such six weeks respectively; and the powers, directions, penalties, and forfeitures, herein-before prescribed or contained, for the better levying, securing, or accounting for, the said rates or duties within the limits of the said chief office of excise in *London*, shall be observed in all other parts of *Great Britain*, as if the same were again particularly repeated and enacted.

IX. And

X. And be it further enacted by the authority aforesaid, That if any such auctioneer, so selling by auction at any place within England or Wales, not within the limits of the said chief office of excise in London, shall not be prepared to deliver in the account, by this act required, to the collector of excise within whose collection such notice was delivered, and such sale by auction made, then, and in such case, such auctioneer shall; and he is hereby permitted and required to deliver in his account of such sale, within six weeks after every such sale, at the said chief office of excise in London, and to the person appointed to receive the same, and shall, at the same time, deliver to the same person, a true copy of the notice, and of the catalogue

Auctioneers to deliver, at the excise office, &c previous notice of each sale; and likewise an attested catalogue, containing an exact enumeration of the particulars to be sold;

Any auctioneer in England or Wales, not within the limits of the excise office in London, who shall not be prepared to deliver in his account of any sale to the collector of excise shall, within six weeks after such sale, de-

liver it at the excise office in London.

If the sale by auction of any estate, &c. shall be rendered void, owing to a defective title, the auctioneer, &c. may complain to the commissioners of excise, or justices of peace;

who shall hear and determine the same,

Where owners of estates, &c. bid themselves or employ others to bid for them, an allowance of the duties is to be made accordingly;

provided notice be given to the auctioneer that such persons are to bid for the owners, &c.

ANNO DECIMO NONO GEORGE III. C. 56. [1779]
by him before delivered to the said collector, and if any such auctioneer shall neglect to deliver such copy of the said notice, or to the said catalogue, every auctioneer offending therein shall, for each offence, forfeit and lose the sum of twenty pounds.
And whereas it may sometimes happen that sales at auction of estates or goods may be rendered null and void, by reason that the person, for whose benefit the same shall be sold, had no title to, or no right to dispose of the same; be it further enacted by the authority aforesaid, That, from and after the said fifth day of July, one thousand seven hundred and seventy-nine, if any sale by auction of any estate, goods, or chattels, shall be rendered void, by reason that the person, for whose benefit the same was sold had no title to the same, or no right to dispose thereof, then, and in every such case, it shall and may be lawful for the auctioneer, who paid the duty for the things so sold, or for the person for whose benefit the same was so sold, to lay his, her, or their complaint before the commissioners of excise, or justices of the peace, within whose jurisdiction respectively such sale was made; and the said commissioners of excise, or justices of the peace, respectively, upon such complaint to them made, by or on the behalf of such auctioneer, or by or on the behalf of the person for whose benefit the same was sold, shall, and are required to hear and determine all such complaints, and examine the witnesses upon oath which shall be produced, as well on the behalf of the party making such complaint, as on the behalf of all and every other party and parties; which oath they have hereby power to administer; and thereupon, or by other due proof, to relieve the party so complaining of so much of his, her, or their respective payments, as shall be so made out before them to have been over-paid; any thing in this statute to the contrary notwithstanding.

XII. Provided also, and it is hereby enacted by the authority aforesaid, That in case the real owner of any estate, goods, or effects, put up to sale by way of auction, shall become the purchaser, by means of his own bidding, or the bidding of any other person on his behalf, or for his use, at such sale, without fraud or collusion, then, and in such case, the respective commissioners of excise in Great Britain, and such collectors, supervisors, and other officers of excise, as are hereby respectively authorized, within their respective collections and districts, to receive the said duties, are hereby authorized and required to make an allowance to such owner of the duties arising by this act upon such bidding; provided notice be given to the auctioneer before such bidding, both by the owner and the person intended to be the bidder, of the latter being appointed by the former, and having agreed accordingly to bid at the sale for the use and behoof of the seller; and provided such notice be verified by the oath of the auctioneer, as also the fairness and reality of the said transaction, to the best of his knowledge and belief; and in case any dispute shall arise whether such purchase by the owner was not made by collusion, or in order to lessen the full sum

so appointed by this act to be paid, or concerning the fairness of such transaction, then, and in such cases, the proof thereof shall lie upon the person acting as auctioneer; and on failure therein, or in case of any unfair practice, then no such allowance shall be made as aforesaid; any thing herein contained to the contrary notwithstanding.

XIII. Provided always, and it is hereby further enacted by the authority aforesaid, That nothing in this act contained shall extend to any sale or sales, by way of auction, of estates or chattels, made by any rule, order, or decree, of his Majesty's court of chancery, or of exchequer in *England*, before the master in chancery, or the deputy remembrancer of the said court of exchequer; or by any order or decree of the courts of great sessions in *Wales*, or by any order or decree of the court of session or exchequer in *Scotland* respectively; or to any such sales made by the *East India* company, or the *Hudson's Bay* company; or by order of his Majesty's commissioners for the duties of customs or excise; or by order of the board of ordnance, or commissioners of the navy or victualling offices; nor to the sale by auction of any goods distrained for rent, or for nonpayment of tithes; any thing herein-before to the contrary notwithstanding.

Certain auctions to which this act shall not extend.

XIV. Provided also, That nothing in this act contained shall extend to any auction to be held, on the account of the lord or lady of any manor, for the granting any copyhold or customary messuages, lands, or tenements, for the term of a life or lives, or any number of years; or to any auction to be held for the letting or demising any messuages, lands, or tenements, for the term of a life or lives, or any number of years, to be created by the person or persons on whose account such auction shall be held; or to the sale or sales of any woods, coppices, produce of mines or quarries, or to any contract relating thereto, or to the cutting or working the same, or to the sale of any materials used in the working of such mines or quarries respectively; or to the sale of any cattle, and live or dead stock, or unmanufactured produce of land; so as such sale or sales of woods, coppices, produce of mines or quarries, cattle, corn, stock, or produce of land, be made whilst they continue on the lands producing the same, and by the owner or owners of such lands, or proprietor or proprietors of, or adventurer or adventurers in, such mines or quarries respectively, or by his or their steward or agent, stewards or agents; any thing herein contained to the contrary notwithstanding.

Not to extend to auctions for granting copyhold or customary lands, &c.

XV. Provided also, and it is hereby further enacted by the authority aforesaid, That nothing in this or in the said cited act contained shall extend, or be construed to extend, to charge with the said rate or duty, any estate, goods, or chattels, sold at auction, under the authority of any sheriff or under-sheriff, for the benefit of creditors, in execution of any judgement had or obtained; or any estate or effects of bankrupts, sold by order of the assignee or assignees under any commission of bankruptcy;

Neither this act nor the former act shall extend to any sale under a sheriff's authority for the benefit of creditors; nor to effects of bankrupts sold by

catalogue to be by him delivered as aforesaid, the particular goods and effects then to be sold; and the assignees, or the assignee, if only one under such commission, shall, and he and they is and are hereby required to subscribe and sign such catalogue, and to certify, at the foot thereof, that all and every the estates, goods, chattels, and effects, in such catalogue respectively specified and enumerated, were really and truly the property of the said bankrupt at the time of suing forth the said commission; which respective catalogue, so signed and certified as aforesaid, shall be produced by every such auctioneer, to the person to whom such auctioneer is by this act directed to deliver his account, before such auctioneer shall be permitted to pass his account, or to have the same allowed: and if such sheriff, under-sheriff, assignee, or assignees respectively, shall insert, or suffer or permit to be inserted, in any such catalogue so to be subscribed, signed, and certified, as aforesaid, any estate, goods, chattels, or effects whatsoever, other than such as were really and truly the property of the debtor or debtors, bankrupt or bankrupts, as aforesaid, respectively; or if any sheriff or under-sheriff shall omit or neglect to certify on such catalogue the true sum to be levied, or shall certify thereon any false sum to be levied, then, and in every such case, the party offending shall, for every such offence respectively, forfeit and lose the sum of twenty pounds.

Penalty on sheriff, &c. or assignee, who shall suffer any estate, &c. to be inserted in the catalogue which was not the property of the debtor or bankrupt.

XVII. And be it further enacted by the authority aforesaid, That, from and after the said fifth day of July, one thousand seven hundred and seventy-nine, every auctioneer who shall be employed to sell any goods damaged by fire, sold by order of, and for the benefit of, the insurer or insurers of such goods, shall specify and enumerate, in the catalogue to be by him delivered as aforesaid, the particular goods then to be sold, and the insurers, or the insurer, if only one, shall, and he and they is and are hereby required to subscribe and sign such catalogue, and to certify, at the foot thereof, that all and every the goods in such catalogue respectively specified and enumerated, were really and truly sold for the benefit of such insurer or insurers; which catalogue, so signed and certified as aforesaid, shall be produced by every such auctioneer, to the person to whom such auctioneer, is by this act, to deliver his account, before such auctioneer shall be permitted to pass his account, or to have the same allowed: and if such insurer or insurers respectively shall insert, or suffer or permit to be inserted, in any such catalogue so to be subscribed, signed, and certified as aforesaid, any goods whatsoever other than such as were really and truly to be sold for the benefit of him or them as aforesaid; or if any insurer or insurers shall omit or neglect to certify on such catalogue the true particular of the goods to be sold; then, and in every such case, the party offending shall, for every such offence respectively, forfeit and lose the sum of twenty pounds.

Auctioneers employed to sell goods damaged by fire, for the benefit of the insurers, shall enumerate the particulars in the catalogue, which shall be certified by the insurers.

Penalty on insurers who shall suffer to be inserted in catalogue any goods other than such as were to be sold for their benefit, &c.

XVIII. And be it further enacted by the authority aforesaid, That all fines, penalties, and forfeitures, imposed by this act, shall

Penalties and forfeitures how to be re- shall

810

covered and
applied.

Anno decimo nono GEORGE III. 1798. [1799]
shall be paid for, taxed, recovered, or mitigated, by such ways,
means, and methods, as any fine, penalty, or forfeiture, or
may be recovered or mitigated, by any law or laws of excise, or
by action of debt, bill, plaint, or information, in any of his Ma-
jesty's court of records at Westminster, or in the court of exche-
quer in Scotland; and that one moiety of every such fine, pe-
nalty, or forfeiture, (all necessary charges for the recovery there-
of being first deducted,) shall be to his Majesty, his heirs
and successors, and the other moiety to him or them who shall
discover inform, or sue for the same.

C A P. LVII.

*An act for the better providing of a maintenance for the Vicar of the
parish of The Trinity, in the city of Coventry.*

C A P. LVIII.

*An act for preserving the navigation of the river Lee, in the counties
of Hertford, Essex, and Middlesex.*

Preamble.

Recital of an
act 12 Geo. 2.

and 7 Geo. 3.

WHEREAS by an act of parliament, made in the twelfth
year of the reign of his late majesty King George the second,
for ascertaining, preserving, and improving, the navigation of
the river Lee, from the town of Hertford to the town of Ware,
in the county of Hertford; and for preserving and improving
the said river, from the said town of Ware, to the new cut or river
made by the mayor, commonalty, and citizens of London; and
for other purposes therein mentioned; the governor and company of
the new river, in consideration of a quantity of water supplied out of
the said river Lee, for the use of the said new river, are directed to
pay to certain trustees appointed in and by the said act, for the care
and management of the navigation of the river Lee, two annual sums
of money, amounting together to the sum of three hundred and fifty
pounds, to be applied in preserving and improving the navigation of
the said river Lee: And whereas, by an act made in the seventh
year of the reign of his present Majesty, for improving the navi-
gation of the river Lee, from the town of Hertford to the river
Thames; and for extending the said navigation to the flood-
gates belonging to the town mill, in the said town of Hertford;
certain persons therein named, together with the trustees appointed
in or by virtue of the said act of the twelfth year of his late Majesty,
were appointed trustees for putting the said act of the seventh year
of his present Majesty in execution, and divers powers and authorities
are given and granted to the said trustees, for making, extending, im-
proving and maintaining, the said navigation, and for making and
maintaining certain new cuts or canals to communicate with the said
river Lee: and by the said act of the seventh year of his present
Majesty, the said annual sum of three hundred and fifty pounds is
vested in the said trustees, together with certain rates and duties
thereby granted, for the purposes of the said act; and the said navi-
gation hath been completed for several years, and is found beneficial to
the publick: and whereas the said trustees have charged the rates or
duties, and other monies arising by virtue of the said act, with the

payment of the principal sum of forty-four thousand three hundred pounds, and also with the payment of annuities for the lives of certain persons; to the amount of three thousand four hundred pounds, or thereabouts; and there will be likewise due to several persons for arrears of interest, annuities, rents, compensations, and purchase of lands, and for workmen's bills, and other annual expences of carrying on the said navigation, at Midsummer next, the sum of ten thousand six hundred pounds, or thereabouts; and whereas the money arising by virtue of the said acts is not sufficient to pay and discharge the interest of the said principal money, and also to pay the said annuities, and other monies, due and owing as aforesaid; and, unless some additional rates and duties are allowed to be collected upon the said navigation, several persons who have lent and advanced money upon the credit of the said acts will be very great sufferers, and the navigation of the said river will be totally lost, to the great detriment of the publick; wherefore in order to preserve the said navigation, and for relief of the said several annuitants, and other creditors; may it please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the Lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the Monday sevensnight next after passing of this act, there shall be paid, at such place and places, and in such manner and proportions, as herein-after mentioned, to the collector or collectors appointed by the said trustees, or any seven or more of them, by all and every person and persons who shall carry or convey any goods, wares, merchandizes, or commodities whatsoever, up or down the said river, or the said cuts or canals, (over and above the rates and duties payable by virtue of the said act of the seventh year of the reign of his present Majesty,) the several additional rates and duties herein-after mentioned; (that is to say)

The trustees
authorized to
collect the fol-
lowing

For every ton of malt passing through *King's Weir*, or the lock nearest thereto, the sum of one shilling and three-pence; and passing through *Newman's Weir*, or the lock nearest thereto, (the rates and duties for the same not having been paid at *King's Weir*, or the lock nearest thereto, as aforesaid,) the sum of eleven-pence; and passing through *Lee Bridge*, or any lock in the new cut below the said bridge, (the rates and duties for the same not having been paid at *King's Weir*, or *Newman's Weir*, or the locks nearest the said weirs, as aforesaid,) the sum of five-pence; and passing on any part of the cut between *Bromley Lock* and the river *Thames*, (the rates and duties not having been paid for the same above *Bromley Lock* aforesaid,) the sum of two-pence; and so in proportion for any less quantity than a ton: For every ton of flour that shall be carried or conveyed through *King's Weir* aforesaid, or the lock nearest the same, the sum of four-pence halfpenny; and through *Newman's Weir*, or the lock nearest the same, the sum of four-pence halfpenny; and through *Lee Bridge*, or any lock in the new cut below the said bridge, the sum of three-pence; and so in proportion for any less quantity than a ton:

additional
rates.

For

For every chaldron of coals, culm, or cinders, carried or conveyed through *Newman's Weir*, or the lock nearest the same, the sum of sixpence; and through *Lee Bridge* aforesaid, or any lock in the said cut below the said bridge, the sum of sevenpence; and so in proportion for any less quantity than a chaldron :

For every ton of other goods, wares, merchandizes, and commodities whatsoever, that shall be carried or conveyed through *King's Weir*, or the lock nearest the same, the sum of sixpence; and through *Newman's Weir*, or the lock nearest the same, the sum of sixpence; and through *Lee Bridge*, or any lock in the said cut below the said bridge, the sum of three-pence; and between *Bromley Lock* and the *Thames*, the sum of two-pence; and so in proportion for any less quantity than a ton :

For every pleasure boat which shall pass through any of the said locks or places, or on the said cut between *Bromley Lock* and the *Thames*, the sum of one-shilling; and for every empty boat, barge, lighter, or other vessel, passing along the said cut from *Bromley Lock* towards the *Thames*, after having delivered any lading for which the said rates and duties shall not have been paid, or passing along the said cut from the river *Thames* towards *Bromley Lock*, and not having been to deliver any lading for which the rates and duties shall have been paid, the sum of five shillings :

Which said additional rates and duties hereby granted, shall be collected, levied, and recovered, by such and the like ways, means, and methods, as the rates and duties granted by the said act of the seventh year of the reign of his present Majesty can or may, by virtue thereof, be collected, levied, and recovered, and as if the additional rates and duties hereby granted were inserted in the body of the said act; and the same shall be applied to and for the several uses, intents, and purposes, as the rates and duties granted by the said act are thereby directed to be applied.

Additional rates to be a security for money due on the credit of the former acts.

II. And be it further enacted by the authority aforesaid, That the said additional rates and duties herein-before granted, are hereby declared to be a security for the payment of all the principal monies borrowed and due as aforesaid, and all interest due and to become due for the same, and also for the payment of the several annuities granted and now payable as aforesaid, and of all other monies whatsoever due and owing on the credit of the said former acts; and the several persons entitled thereto shall have the same powers and remedies for the recovery thereof, out of the rates and duties hereby granted, as are by the said recited act given for the recovery of any money charged upon the rates and duties thereby granted.

The rates to be reduced in certain proportions as the annuities are reduced.

III. Provided always, and be it further enacted by the authority aforesaid, That from time to time, as the annuities granted by the said trustees shall fall in, the rates and duties hereby granted shall be reduced, in the proportions following; (that is to say) when the said annuities shall be reduced to two thousand four

four hundred pounds, no more than three fourth parts of the rates and duties hereby granted shall be demanded or taken; and when the said annuities shall be reduced to one thousand four hundred pounds, no more than one half of the said rates and duties shall be demanded or taken; and that when the said annuities shall be reduced to four hundred pounds, no more than one fourth part of the said rates and duties shall be demanded or taken; any thing in this act contained to the contrary hereof notwithstanding.

IV. *And whereas ashes, breeze, and other materials used in making bricks, are frequently conveyed upon the said river, under the pretence of being for manuring of land, whereby the payment of the rates and duties are evaded;* be it therefore enacted by the authority aforesaid, That all ashes, breeze, and other materials and things which shall not be used for manuring of land, shall be liable to the payment of the like rates and duties as are by the said recited act of the seventh year of the reign of his present Majesty, and this act, granted for any goods, wares, merchandizes, and commodities, (except coals, culm, or cinders;) and it shall and may be lawful for the collector or collectors appointed by the said trustees, or any five or more of them, to demand, collect, and recover the said rates and duties for all such ashes, breeze, and other materials and things, as such collector shall have reason to apprehend are not intended to be used for manuring of land, in such manner, and by the same ways and means, as the rates and duties herein-before granted can or may be demanded, collected, and recovered; any thing in the said former act to the contrary notwithstanding.

All ashes, breeze, and materials not used for manure, to be subject to the rates.

V. Provided nevertheless, That in case it shall afterwards be made appear to such collector, that the ashes, breeze, or other materials or things for which the said rates and duties shall have been paid as aforesaid, were for the manuring of land, that then the rates and duties so paid shall be returned by such collector to the owner or owners of such ashes, breeze, or other materials or things, or his or their agents or servants, upon demand.

but if used for manure, the rates shall be returned.

VI. And, for the better ascertaining the tonnage of timber and wood, to be charged with the payment of the rates or duties granted by the said recited act, and this act; be it enacted and declared by the authority aforesaid, That whenever any boat, barge, lighter, or other vessel, navigated upon the said river, cuts, or canals, shall be laden with timber or wood only, such lading shall, for the purposes of the said recited act of the seventh year of the reign of his present Majesty, and of this act, be deemed twenty five tons, although the same may actually be a greater or less quantity; any thing in the said recited act, or in this act, or any usage or custom, to the contrary hereof notwithstanding.

Every lading of wood shall be deemed 25 tons.

VII. And be it further enacted by the authority aforesaid, That, from and after the twenty-ninth day of September, one thousand seven hundred and seventy-nine, so much of the said recited act of the seventh year of the reign of his present Majesty,

So much of the former act as requires stackmen to deliver bills of lading, repealed.

1779. 25. requires persons having the charge of any boat, barge, lighter, or other vessel, to give an account in writing, as therein mentioned, of the quantity, quality, and weight, of the goods, wares, merchandizes, and commodities, which shall be in such boat, barge, lighter, or other vessel, and also of the quantity, quality, and weight, of the goods, wares, merchandizes, and commodities, which shall have been discharged or taken out of such boat, barge, lighter, or other vessel, before the arrival thereof at the place where such account is to be given, and as inflicts any penalty on such persons for not giving such account, or for giving a false account, shall be, and is hereby repealed.

Owners of goods, or persons delivering any on their behalf, shall give bills of lading to the steersmen, who are to produce the same to the collectors of the tolls.

Penalty on neglect, &c.

All vessels to be marked with graduated figures denoting their burthen; on penalty of 5*l*.

VIII. Provided nevertheless, and be it further enacted by the authority aforesaid, That, from and after the twenty-ninth day of *September*, one thousand seven hundred and seventy-nine, the owners of, or persons selling any goods, wares, or merchandize, or any person who shall deliver any goods, wares, or merchandize, on account of such owners or persons selling the same, on board any boat, barge, lighter, or other vessel, to be carried or conveyed upon the said river, cuts, or canals, shall, and are hereby required to give a true account, in writing under their respective hands, of the quantity, quality, and weight, of all such goods, wares, and merchandize, to the steersman or other person having the care, charge, or management of the boat, barge, lighter, or other vessel, on board of which such goods, wares, or merchandize shall be delivered, together with the date of the delivery thereof; and the said steersman or other person shall produce the said account to the collector or collectors of the said rates or duties, and deliver a true copy thereof to every such collector; and in case any such steersman or other person shall not produce such account, and deliver a copy thereof as aforesaid, every such steersman or other person shall forfeit and pay the sum of ten pounds; and in case any such steersman or other person shall produce a false account to any such collector or collectors as aforesaid, the person who shall have signed such false account shall forfeit and pay the sum of five pounds.

IX. And, for the better enabling the collectors of the said rates or duties to judge of the truth of the accounts of lading to be produced as aforesaid; be it enacted by the authority aforesaid, That, from and after the first day of *January*, one thousand seven hundred and eighty, all boats, barges, lighters, and other vessels, which shall be navigated upon the said river, cuts, or canals, shall be painted or marked, in three different places on each side thereof, with graduated figures or marks, of proper dimensions, at such distances, and upon such parts of the boat, barge, lighter, or other vessel, as the said trustees, or any five or more of them, shall order, under the direction of some proper and skilful person; and so from time to time, as occasion shall require; and the same shall at all times be kept so marked, in a plain and legible manner; and that, after the said first day of *January*, one thousand seven hundred and eighty, if any boat, barge, lighter, or other vessel, shall be navigated upon the said river, cuts,

cuts, or canals, not being painted or marked in a plain and legible manner as aforesaid, according to the true intent and meaning of this act, the owner, or person having the care, charge, or management, of such boat, barge, lighter, or other vessel, shall forfeit and pay the sum of five pounds,

X. And whereas it might tend to the better execution of the said recited acts, and this act, if the said trustees were obliged to hold more than one general meeting in every year; be it therefore enacted by the authority aforesaid, That, from and after the passing of this act, so much of the said recited act of the seventh year of the reign of his present Majesty, as directs a general meeting of the trustees to be holden on the first Monday in June in every year, and notice to be given thereof, shall be, and is hereby repealed.

So much of the former act as directs the trustees to meet on the first Monday in June yearly repealed.

XI. And be it further enacted, That the said trustees, or any five or more of them, shall hold a meeting for carrying the purposes of the said recited acts, and this act, into execution, at the sign of the *Rose and Crown*, at *Enfield Highway*, in the parish of *Enfield*, in the said county of *Middlesex*, upon the Monday sevennight after the passing this act, and may adjourn such meeting from time to time, previous to their first general meeting, (to be holden as herein-after mentioned,) as they shall think proper; and that the said trustees, or any five or more of them, shall hold three general meetings in every year, at or within the respective times and places herein-after mentioned; (that is to say) in the town of *Hertford*, upon the last Monday in July, or within six days afterwards; in the parish of *Waltham Holy Cross*, in the said county of *Essex*, on the last Monday in October, or within six days afterwards; and in the city of *London*, on the last Monday in January, or within six days afterwards; and the said trustees, or any five or more of them, shall, at such respective general meetings, appoint the day, and the house or place (being within the respective times, and at the respective places, aforesaid) upon and at which their then next general meeting shall be holden; and the clerk to the said trustees for the time being shall, at such respective general meetings, lay before the trustees then assembled, a full state of the accounts relative to the execution of the said recited acts, and this act, up to such of the days following, *videlicet*, *Midsummer-day*, *Michaelmas-day*, and *Christmas day*, as shall happen next before the day of holding such respective meetings, in order that the same may be audited and settled; and the said trustees, at such general meetings,

First meeting of the trustees.

Three general meetings to be held in every year;

at which they shall audit and settle the accounts, and cause an abstract thereof to be made, and entered in the book of their proceedings.

are hereby required to examine and pass the said accounts; and after the same shall be examined and passed, an abstract thereof shall be made out, and signed by five or more of the said trustees, and the same shall be fairly entered in the book of proceedings of the said trustees; and all persons interested in the said navigation may, at all convenient times, have a copy of such abstract, upon paying to the clerk to the said trustees the sum of two shillings and sixpence; and in case the said trustees shall not settle and pass the said accounts at any such general meeting,

meeting, then such meeting shall be adjourned to the seventh day then next following, and so from time to time, until the said accounts shall be settled and passed, and an abstract thereof made and signed as aforesaid; and after the said accounts shall be completed as aforesaid, the said trustees may adjourn such respective meetings to such place and time, previous to the time of holding their next general meeting, as the said trustees, or any five or more of them, shall think proper.

After a year, the trustees shall settle the accounts at two several meetings in every year.

No money to be borrowed till the accounts are settled.

Securities for money borrowed, and annuities granted to be valid.

XII. Provided nevertheless, that after the expiration of two years from the passing of this act, the said trustees shall be obliged to examine and settle the said accounts at two at least of the said three general meetings in every year, any thing hereinbefore contained to the contrary hereof notwithstanding.

XIII. Provided also, That no money shall be borrowed by the said trustees, until the said accounts shall have been settled, and entered as aforesaid.

XIV. And whereas doubts may arise touching the validity of some of the securities granted by the said trustees; to obviate such doubts, and to secure the several creditors who have, bona fide, lent and advanced their money for the purposes of the said navigation; be it enacted by the authority aforesaid, That the several principal sums of money so lent and advanced to the said trustees, and the annuities granted by them, shall be, and they are hereby respectively declared to be charged upon the rates or duties granted and made payable by the said recited act of the seventh year of the reign of his present Majesty, and also upon the rates or duties by this act granted and made payable; and that the several securities given and granted for the payment thereof, are hereby declared to be valid and effectual in the law, to all intents and purposes.

Trustees empowered to pay off any principal money now due;

giving three months notice.

XV. And whereas doubts have arisen touching the power of the said trustees to pay off any particular securities for money at interest already granted, in case they find it necessary so to do; be it therefore enacted and declared by the authority aforesaid, That it shall and may be lawful for the said trustees, or any seven or more of them, from time to time, as they shall think proper, to pay off any of the principal money borrowed and due upon the credit of the said rates and duties; provided three calendar months notice thereof, at the least, shall be given in writing, signed by them, to the person or persons entitled to the money so to be paid off, and of the day and place at and upon which such money will be paid; and in case the securities given for such money shall not be produced at the time and place to be mentioned in such notice, and, upon tender of the principal money, and all interest then due thereon, shall not be delivered up to the said trustees, or to their clerk, that then the interest of all such principal money shall from thenceforth cease, and be no longer paid or payable.

Proviso.

XVI. Provided nevertheless, That the principal money in respect whereof such notice shall be given, and also the interest for the same up to the time mentioned in such notice for the payment

ment thereof, shall still remain due and payable, until the same shall be received by the person entitled to the same.

XVII. Provided always, and be it further enacted and declared by the authority aforesaid, That all payments to be made, and also the monies due and owing on the credit of the said former acts, shall be payable as well out of the rates and duties created by this act, as out of the rates and duties created by the said former acts, in the like course of payment, and with the same priority, and with the like remedies for recovery thereof, as are directed in and by the said former acts; any thing in this act to the contrary notwithstanding.

XVIII. And be it further enacted by the authority aforesaid, That no annuity or annuities shall hereafter be granted upon the credit of the rates and duties authorised to be collected by virtue of the said recited act of the seventh year of the reign of his present Majesty, or by this act; any thing in the said recited act to the contrary hereof notwithstanding.

XIX. And be it further enacted, That no money shall hereafter be borrowed upon the credit of the rates and duties authorised to be collected on the said river, or any of them, unless twenty-one trustees at the least shall be present, and shall concur therein, and unless seven of such trustees shall be resident in the said county of *Hertford*, seven within the said county of *Essex*, and seven within the said county of *Middlesex* and city of *London*, or one of them; and that no such money shall be so borrowed, but at a meeting to be holden for that purpose; of which meeting one calendar month's notice at the least shall be given in some of the publick newspapers circulated in the said counties, at least three times before the borrowing any such money; any thing in the said recited act of the seventh year of the reign of his present Majesty to the contrary hereof notwithstanding.

XX. Provided nevertheless, and it is hereby declared, That no more than the sum of twenty thousand pounds, over and above the said sum of forty-four thousand three hundred pounds, principal money, already charged on the said rates, shall hereafter be borrowed on the credit of the said former act, or this present act; any thing in the said former act, or this act, to the contrary hereof notwithstanding.

XXI. Provided nevertheless, and it is hereby enacted and declared by the authority aforesaid, That it shall and may be lawful for the said trustees, or any seven or more of them, if they think fit, at the request of any person or persons to whom any arrears of interest, or any arrears of annuities, shall, on the twenty-fourth day of *June*, one thousand seven hundred and seventy-nine, be due and owing on the credit of the said rates or duties, to assign over the said rates or duties, or any part thereof, for securing the payment of all such arrears, together with interest for the same; and all such assignments shall be good, valid, and effectual in the law, for the payment of the money thereby secured, and all interest to grow due for the same, any thing herein-before contained to the contrary hereof in

All monies secured by the former acts, shall also be charged upon the present and former rates, &c.

Trustees not to grant any annuities for the future.

No money to be hereafter borrowed, unless 21 trustees shall concur therein.

and then not more than 20,000 l.

Trustees authorised to assign over the rates for payment of all arrears of interest and annuities &c.

in any wise notwithstanding: provided also, That the sum for which the said rates and duties shall be assigned, as herein-before mentioned, shall be construed and taken to be part of the sum of twenty thousand pounds, which the trustees are authorized to raise by virtue of this act.

Collectors required to keep the gates of locks, near the places of collection, shut; and not to suffer any vessel to pass till the rates are paid.

Penalty on neglect.

Trustees to keep the locks and works in repair, to prevent waste of water.

Persons navigating ves-

XXII. *And, in order to prevent any waste of water at any of the locks, at or near the places appointed for collecting the said rates or duties, and for the better collection thereof;* be it enacted by the authority aforesaid, That the collectors of the said rates or duties shall, and are hereby authorized and required, at all times hereafter, to keep the gates of the locks, at or near the several places appointed for collecting the said rates or duties, properly shut and locked, or otherwise fastened, so as not to suffer any unnecessary waste of water through the same, (except only at such times, and for so long as shall be necessary for boats, barges, lighters, and other vessels, to pass through such locks, and in times of flood;) and no boat, barge, lighter, or other vessel, shall be suffered to pass through any such lock until the whole rates or duties authorized to be collected shall be paid to such collector; and in case any collector shall not keep the gates of the lock, at or near the place where he shall be appointed to collect the said rates or duties, properly shut and locked, or otherwise fastened, so as not to suffer any unnecessary waste of water through the same, or if such collector shall permit or suffer any boat, barge, or lighter, or other vessel, to pass through any such lock as aforesaid, before the full rates or duties which ought to be collected shall have been paid, every such collector offending in either of the cases aforesaid shall, for every offence, forfeit and pay any sum not exceeding forty shillings.

XXIII. *And, for the more effectual preventing the waste of water in any of the said cuts or canals, to the prejudice of any mill,* be it further enacted and declared by the authority aforesaid, That in case any of the locks or other works made or erected, or to be made or erected, by the said trustees, shall be out of repair, and any mill shall be prejudiced thereby, then, and in every such case, upon notice thereof in writing, given by the occupier of such mill to the surveyor to the said trustees, such surveyor is hereby required forthwith to inspect into and consider the same, and report such notice, and his opinion thereof, to the said trustees, at their next meeting; and the said trustees, or any five or more of them, shall, and are hereby required, at their said next meeting, to take the same into consideration, and as soon as may be to cause such locks and works to be put into good and sufficient repair, so as to prevent the waste of water as aforesaid; and in case such surveyor shall refuse or neglect to inspect into and survey such defect or want of repair in any of the said locks or other works, or make such report as aforesaid, he shall forfeit and pay any sum not exceeding ten pounds nor less than forty shillings.

XXIV. And be it further enacted, That no steersman, or other person having the care, charge, or management, of any boat,

boat, barge, lighter, or other vessel, upon the said river, cuts, or canals, and passing with such boat, barge, lighter, or other vessel, through any lock upon the said river, cuts, or canals, shall suffer the water to remain in the lock longer than is necessary for such boat, barge, lighter, or other vessel, to pass through the same; and that every such steersman, or other person, in going down the said river, cuts, or canals, shall shut the lower gates of such lock before he shall draw the cloughs of the upper gates thereof; and after he shall have brought such boat, barge, lighter, or other vessel, into the said lock, shall shut close the upper gates before he shall draw the cloughs of the lower gates thereof; and in going up the said river, cuts, or canals, shall, so soon as he shall have passed with such boat, barge, lighter, or other vessel, out of the said lock, shut the upper gates of the said lock, and afterwards draw the cloughs of the lower gates, unless there shall be then a boat, barge, lighter, or other vessel, in sight from the said lock, coming down the said river, cuts, or canals, in which case the lower gates of the said lock shall be left shut, and the upper gates shall be left open; and every person, who shall not act agreeable to the directions herein before mentioned, shall, for every offence, forfeit and pay any sum not exceeding forty shillings.

fels required to shut the upper gates of the locks as soon as the vessels are passed, except some other vessel is in sight.

XXV. And be it further enacted by the authority aforesaid, That so much of the said recited act of the seventh year of the reign of his present Majesty, as requires the owners of boats, barges, lighters, or other vessels, to cause their names, and also the names of the steersmen, or other persons having the care or charge of such boats, barges, lighters, or other vessels, and their respective places of abode, to be placed and set on the upper part of the bow on both sides of such boats, barges, lighters, or other vessels, and as inflicts a penalty for default therein, shall be, and is hereby repealed.

So much of the former act as requires the names to be put on the bows of vessels, repealed.

XXVI. Provided nevertheless, and it is hereby declared, That from and after the twenty-fourth day of June, one thousand seven hundred and seventy-nine, the owner or owners of every boat, barge, lighter, or other vessel, passing upon the said river, cuts, or canals, shall cause his, her, or their name or names, and also the name of the steersman, or other person having the care or charge of every such boat, barge, lighter, or other vessel, and their respective places of abode, to be placed and set at full length, in white letters upon a black or dark ground, such letters to be four inches long, and of a proportional breadth, and made on some conspicuous part of the stern of every such boat, barge, lighter, or other vessel, and to be kept at all times plain and legible; and in case any boat, barge, lighter, or other vessel, shall, at any time after the said twenty-fourth day of June, one thousand seven hundred and seventy-nine, be navigated on the said river, cuts, or canals, not having the name or names of the owner or owners thereof, and also the name of the steersman, or other person as aforesaid, and also their respective places of abode, placed and set on the stern of every

Names and places of abode of owners and steersmen to be put on the sterns of vessels;

on penalty of 5^l.

such boat, barge, lighter, or other vessel, and keep plain and legible, according to the true intent and meaning of this act; or if any steersman or other person shall cover or conceal the same, or use any means whatsoever to prevent any person from reading the same; every person offending in any of the cases aforesaid shall, for every such offence, forfeit and pay the sum of five pounds.

Penalty on floating of timber.

XXVII. And be it further enacted by the authority aforesaid, That if any person or persons shall, after the twenty-fourth day of June, one thousand seven hundred and seventy-nine, float, or cause any timber to be floated, upon the said river, cuts, or canals, every such person shall forfeit and pay the sum of fifty shillings for every time he or they shall float, or cause any timber to be floated, upon the said river, cuts, or canals.

Penalty on persons assaulting the collectors, or obstructing them in their duty.

XXVIII. And be it further enacted by the authority aforesaid, That if any person shall assault, interrupt, or obstruct any collector, or other person employed by the said trustees, or any five or more of them, in collecting the said rates or duties, or otherwise in the execution of his office, every such person shall, for every such offence, forfeit and pay any sum not exceeding forty shillings, nor less than ten shillings.

Proviso.

XXIX. Provided always, That nothing herein contained shall prevent, or be construed to prevent, any such collector, or other person, having his remedy, for any such offence, in any of his Majesty's courts of law, by action, indictment, or otherwise.

Tottenham mill stream to be used as part of the navigation for ever, subject to a certain annual payment.

XXX. *And whereas a certain navigable stream or cut belonging to James Townsend esquire, called Tottenham Mill stream, hath been used as part of the said navigation, for the passage of boats, barges, lighters, and other vessels, for which the said trustees have paid to the said James Townsend the annual sum of ten pounds ten shillings; and the said James Townsend is consenting that the said stream or cut should be used as part of the said navigation for ever, subject to the same annual rent; but the same being no part of the navigation described in the said act, the use of the said stream cannot be secured to the publick, unless some further powers are granted for that purpose;* be it therefore enacted and declared by the authority aforesaid, That the said stream or cut, together with a proper towing-path on the west side thereof, shall for ever hereafter be used as part of the said navigation; and that the owners of all boats, barges, lighters, and other vessels, shall have liberty to navigate along the said stream or cut, and to make use of the said towing-path, in like manner as if the said stream or cut had been part of the navigation described in the said act; and the said trustees, or any seven or more of them, shall, and have hereby full power and authority, from time to time, to scour, cleanse, deepen, and do such other works in the said stream or cut, and repair the said towing-path, as they shall think fit, for the purposes of the said navigation, without any hindrance, molestation, or interruption, from the said James Townsend, or any person or persons who may hereafter be entitled

to

to the said stream or cut, and towing-path, so that no damage be done thereby to *Tottenham* mills, by preventing the water flowing to the same as it now doth.

XXXI. Provided always, That nothing herein contained shall authorise the said trustees, or any of them, or any other person or persons acting under their authority, to contract the said stream or cut, or prevent the occupier of *Tottenham* mills from penning a head of water to the said mills, or to obstruct, hinder, or prevent the navigating or passing of boats, barges, lighters, and other vessels, to and from the said mills.

Nothing to be done to prejudice *Tottenham* mills

XXXII. Provided also, That the occupier or occupiers of the said mills, or any other person or persons, shall not, upon any account or pretence, cause the water to be let or drawn out of the said stream or cut, so as to reduce the same below the height of two feet on the present fill of the waste-gate of the said mills to be ascertained by a stone put down and marked for that purpose: and the said trustees are hereby required at all times to keep the gates of the lock near the said stream or cut of an equal height with the banks of the said mill stream at the mill head, for keeping a full head of water to the said mills; and the said trustees shall, at all times, repair, and keep in good repair, the bridge built across the new cut near the said mill stream.

The occupiers of the mills not to draw the water below a certain height.

The trustees to keep the gates of the lock near the stream of an equal height with the banks; and to repair the bridge.

XXXIII. And be it further enacted, That the said trustees, or any seven or more of them, shall, and they are hereby authorised and required, out of any money arising by virtue of the said recited acts, and this act, to pay, or cause to be paid, to the said *James Townsend*, and the owner of the said stream or cut, and towing-path, for the time being, the annual rent of ten pounds ten shillings, of lawful money of *Great Britain*, free and clear of and from all taxes and deductions whatsoever, on the twenty-fifth day of *March* in every year, the first payment to be made on the twenty-fifth day of *March*, one thousand seven hundred and eighty: and in case the said yearly rent shall not be paid for the space of twenty-one days next after the day herein-before appointed for the payment thereof, that then the said *James Townsend*, and the owner for the time being of the said stream or cut, and towing-path, shall have such and the same remedies for recovering the same yearly rent, and all costs and expences attending the recovery thereof, as are in the said recited act of the seventh year of the reign of his present Majesty provided for the payment of any rents or annuities granted and made payable by virtue thereof.

How the rent payable for the use of *Tottenham* mill stream, may be recovered.

XXXIV. And whereas, by the said recited act of the seventh year of the reign of his present Majesty, the said trustees are required to pay to sir William Wake baronet, and Peter Floyer esquire, their heirs and assigns, the sum of one penny per ton on all goods, wares, merchandizes, or commodities, which should be carried or conveyed down the said river, through the cut or canal made from the said river, above King's Weir, to the west tail stream of the powder mills near *Waltham Abbey*: and whereas it is apprehended that,

In case the tonnage made payable to sir William Wake and Mr. Floyer, by the former act, shall not amount to 160*l.* per annum, the deficiency shall be

made up to
them by the
trustees.

by laying the additional rates or duties herein-before granted, their property may be injured: be it therefore enacted and declared by the authority aforesaid, That in case the said sum of one penny per ton shall not hereafter produce to the said *William Wake* and *Peter Floyer*, their respective heirs and assigns, the clear annual sum of one hundred and sixty pounds, that then the said trustees, or any seven or more of them, shall, and they are hereby authorized and required, from time to time, to make up the deficiency to the said *William Wake* and *Peter Floyer*, their respective heirs and assigns, and the same shall be paid to the said *William Wake* and *Peter Floyer*, their respective heirs and assigns, at the end of every year in which any such deficiency shall happen; and in case of nonpayment thereof, for the space of ten days after the same shall be due, the said *William Wake* and *Peter Floyer*, their heirs and assigns, shall and may have and take such and the like powers and remedies for receiving and recovering the same, and all costs and charges attending the recovery thereof, as are in the said recited act given for recovery of the said one penny per ton.

The height at
which the
water is to be
kept in Dicker
Mill stream, to
be ascertained
by engineers.

XXXV. *And whereas it would be for the benefit of the said navigation, and of certain mills, called Dicker Mills, situate near the said town of Hertford, and also of certain works for supplying the said town with water, belonging to the mayor and aldermen of the said town, if the water in Dicker Mill stream was always kept up to a certain height;* be it therefore enacted, That the said trustees, or any five or more of them, shall, and they are hereby required, within forty days next after their first meeting to be holden in pursuance of this act, to give notice to the owner and occupier of the said mills, and to the mayor of the said town of *Hertford*, directing each of them to appoint an engineer, to meet an engineer to be appointed by the said trustees, on a certain day to be mentioned in such notice, in order to examine the said mill stream, and to agree upon and settle to what height the water in the said mill stream ought to be kept up for the future, and to order and direct proper stones or posts to be fixed or set up in or on the banks of the said stream, and also near the said water-works, with proper marks thereon denoting such height; and the determination of the said engineers, or any two of them, shall be final and conclusive.

In case the said
engineers shall
not agree
within three
months after
their appoint-
ment, the
quarter sessions
for Hertford-
shire shall ap-
point another
engineer to
settle the same.

XXXVI. Provided always, That in case engineers shall not be appointed as aforesaid, or being so appointed, shall neglect or refuse to act, or shall not agree therein within three calendar months after the day to be appointed for the meeting of the said engineers as aforesaid, that then the justices of the peace, at their general quarter sessions to be holden for the said county of *Hertford*, upon application made to them for that purpose on behalf of the said trustees, or of the owner or occupier of the said mills, shall, and they are hereby required to name and appoint some able engineer to examine, settle, and determine touching the matters aforesaid, and his determination shall be final and conclusive; and after such determination as aforesaid,

the said trustees, or any five or more of them, shall, and they are hereby required to cause such stones or posts as aforesaid to be forthwith fixed or set up, with proper marks thereon, and at such place and places as the said engineers or engineer (as the case may be) shall direct, in order to denote and fix the height, to which the water in the said stream ought to be kept up; and the said trustees shall from time to time support and keep such stones or posts fixed, with such mark or marks as aforesaid, and all the charges and expences attending the appointing and employing the said engineers, and also of erecting and fixing such stones or posts, and keeping and supporting the same as aforesaid, shall be borne, paid, and defrayed by the said trustees, out of any money arising by virtue of the said former acts, or of this act; and that after the said stones or posts shall be fixed or set up, and marked as aforesaid, it shall not be lawful for the occupier of the said mills, or the person having the care of the said water-works, to suffer the said mills, or water-works, to work, or for the person having the care of the navigation there to keep open the cistern or lock near the said mills, when the water shall be reduced below the mark or marks upon the said stones or posts; and in case the water within the said stream shall at any time be reduced below the said mark or marks, and the occupier of the said mills shall not immediately shut down the said mills, or the person having the care of the said water-works shall not immediately shut down the said works, or the person having the care of the navigation there as aforesaid shall not immediately shut the said cistern or lock, so as to raise and keep up the water to the said mark or marks, according to the true intent and meaning of this act, (notice having been given to them respectively so to do), every such occupier, and other person aforesaid, so offending, shall, for every such offence, forfeit and pay any sum not exceeding forty shillings, nor less than ten shillings; and in case any person or persons shall break, raise, pull up, sink lower or destroy, or in any wise alter any of the stones or posts which shall be so fixed or set up as aforesaid, or obliterate, deface, change, or alter, any letters, figures, or marks, which shall be inscribed thereon, every such person shall, for every such offence, forfeit and pay any sum not exceeding five pounds, nor less than forty shillings.

The mills, &c. not to work when the water shall be below the marks on the stones or posts.

Penalty on altering marks, &c.

XXXVII. Provided always, and it is hereby declared, That in ascertaining the height at which the water in *Dicker Mill* stream aforesaid should be kept up for the future, or in fixing or setting up any such posts or stones as aforesaid, nothing shall be done to the prejudice of *Dicker Mills*, or of the occupier thereof, or of the said water-works, or of certain mills called *Hertsford Town Mills*, or any occupier thereof.

Nothing to be done to prejudice *Dicker Mills*, &c.

XXXVIII. Provided also, That no occupier of the said mills called *Dicker Mills*, or person having the care of the said water-works, shall be subject to the penalty aforesaid, for not keeping the water in *Dicker Mill* stream up to such height as aforesaid, whenever any of the works of the said navigation, above the

Proviso.

mouth of the cut or canal in *King's Mead*, shall be out of repair.

Trustees may
lease the rates
after the end
of five years.

XXXIX. And be it further enacted by the authority aforesaid, That from and after the term of five years from and after the passing of this act, the said trustees, or any seven or more of them, shall have full power and authority, by writing under their hands and seals, to let or demise the rates and duties authorised to be collected upon the said river, cuts, or canals, for any term not exceeding two years at any one time, for the highest rent they can get for the same, by publick bidding or otherwise, the same to be payable at such times, and under such covenants, as the said trustees, or any seven or more of them, shall think fit, (the said trustees taking proper security from the person or persons to whom the said tolls shall be leased or demised, for payment of the rent or rents, and performance of the covenants); which rent and rents shall be paid to the said trustees, or any seven or more of them, or to such person or persons as they shall appoint to receive the same, and shall be applied and disposed of in the same manner as the said rates and duties are by the said recited act of the seventh year of the reign of his present Majesty, and this act, directed to be applied and disposed of.

Publick notice
thereof to be
given.

XL. Provided always, That one calendar month's previous notice, at the least, be given in some of the publick newspapers circulated in the said counties of *Hertford, Essex, Middlesex*, and the city of *London*, of the intention of the said trustees to lease or demise the said rates and duties.

If the trustees
lease the tolls,
they shall em-
ploy a person,
to be approved
of by sir Wil-
liam Wake
and Mr.
Floyer, to take
an account of
the tonnage of
all goods pass-
ing through
the lock near
King's Weir.

XLI. Provided also, That in case the said trustees shall at any time let the said rates and duties, they shall, and are hereby required, during such time as the rates and duties shall continue to be let as aforesaid, to keep constantly employed, at their own costs and charges, some proper person, to be approved of by the said sir *William Wake* baronet, and *Peter Floyer* esquire, their respective heirs and assigns, and such person is hereby required to take and keep an exact and faithful account in writing of the tonnage of all goods, wares, and merchandizes, which shall pass, from time to time, through the said lock, in the cut near to *King's Weir* aforesaid; and the said sir *William Wake* baronet, and *Peter Floyer* esquire, their respective heirs and assigns, shall have free liberty, from time to time, to inspect such accounts, and to take copies or extracts thereof; and it shall and may be lawful for the said sir *William Wake* baronet, and *Peter Floyer* esquire, and their respective heirs and assigns, within twenty days before the expiration of every year, to compare the same with the account kept by the lessee of the said tolls arising at *King's Weir*; and in case such lessee shall refuse to produce his account to the said sir *William Wake* baronet, and *Peter Floyer* esquire, and their respective heirs and assigns, for the space of ten days after notice given for that purpose, that then and in that case his lease shall, at the expiration of the year, cease and determine.

XLII. Pro-

XLII. Provided always, and be it enacted and declared by the authority aforesaid, That the trustees appointed or elected, or who shall hereafter be appointed or elected, by or in pursuance of the said act of the seventh year of the reign of his present Majesty, and all, every, or any of them, shall have full power and authority to act in the execution of this present act of parliament in all respects, and to all intents and purposes, as fully and effectually as if the several provisions contained in this act were inserted in the body of the said recited act.

The trustees under the former act to have full power to carry this act into execution.

XLIII. And be it further enacted, That the several penalties and forfeitures by this act imposed, shall be levied and recovered in the same manner as any penalties or forfeitures are, by the said recited act of the seventh year of the reign of his present Majesty, directed to be levied and recovered, and shall be applied for the purposes of the said recited acts, and this act.

Penalties and forfeitures how to be recovered and applied.

XLIV. Provided always, and be it further enacted, That all persons who shall think themselves aggrieved by the order or judgement of any justice or justices of the peace, upon account of any offence committed, or supposed to be committed, against this act, may appeal to the justices of the peace for either of the said counties where the offence was committed, or supposed to be committed, at any general quarter sessions of the peace to be held within the space of six calendar months after such cause of appeal shall happen, the person or persons so appealing first giving security, to the satisfaction of the said justice or justices, to prosecute such appeal with effect, and to pay the costs which shall be ascertained by the said general quarter sessions, in case such order or judgement shall be affirmed; and the justices at such general or quarter sessions are hereby authorised and required to hear and determine such appeal, and to make such orders therein, and to award costs, as to them shall appear just; which orders shall be final and conclusive to all parties, and shall not be removed or removeable, by any writ of *certiorari* or otherwise, into any of his Majesty's courts of record at *Westminster*, or elsewhere; and that no order or proceeding to be had by or before any justice or justices of the peace, relating to the execution of this act, shall be quashed or vacated for want of form only.

Persons aggrieved may appeal to the quarter sessions.

XLV. And be it further enacted, That if any action, suit, or information, shall be brought or commenced against any person or persons, for any thing done in pursuance of this act, every such action, suit, or information, shall be commenced, within six calendar months next after the fact committed, and not afterwards, and shall be laid or brought in the counties of *Hertford*, *Essex*, or *Middlesex*, and not elsewhere; and the person or persons so sued or prosecuted, may plead the general issue, and give this act, and the special matter, in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this act: and if it shall appear to have been so done, or if any action, suit, or information, shall be brought after the time before limited for bringing

Limitation of actions.

General issue.

the same, or shall be brought in any other county or place than as aforesaid, that then the jury shall find for the defendant or defendants; or if the plaintiff or plaintiffs shall become nonsuited, or suffer a discontinuance of his, her, or their action, suit, or information, after the defendant or defendants shall have appeared, or if in any such action, suit, or information, judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have treble costs, and shall have such remedy for the same, as any defendant or defendants hath or have for costs of suit in other cases by law.

Treble costs.

Expences of
this act how
to be paid.

XLVI. And be it further enacted by the authority aforesaid, That all the costs, charges, and expences incident to and attending the obtaining and passing this act, shall be paid out of the first monies which shall be collected or received by virtue of the said former acts or this present act.

Publick act.

XLVII. And be it further enacted, That this act shall be adjudged, deemed, and taken to be a publick act; and all judges, justices, and other persons whomsoever, are hereby required to take notice thereof as such, without specially pleading the same.

C A P. LIX.

An act for repealing the duties on all inhabited houses, imposed by an act made in the last session of parliament, and for granting to his Majesty other duties upon all inhabited houses in Great Britain, and for amending the said act; and also for amending so much of an act, made in the seventeenth year of the reign of his present Majesty, as imposes a duty upon all servants retained or employed in the several capacities therein mentioned.

Preamble.

Recital of 18
Geo. 3. cap.
26.

WHEREAS, by an act, made in the last session of parliament, intituled, An act for granting to his Majesty certain duties upon all inhabited houses within the kingdom of Great Britain, certain yearly rates and duties were granted upon all inhabited houses within the kingdom of Great Britain, to be paid by the occupiers thereof; (that is to say), a duty of sixpence in the pound on all dwelling-houses, with the household offices therewith occupied, worth the yearly rent of five pounds, and under the yearly rent of fifty pounds, and of one shilling in the pound on all dwelling-houses, with the household offices therewith occupied, worth the yearly rent of fifty pounds and upwards; to be estimated and ascertained in manner therein expressed: and whereas the said rates and duties do not bear a proper proportion to each other, and the payment thereof hath been greatly evaded; we, your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, do therefore think that it will be for the advantage of the publick to repeal the present rates and duties on inhabited houses, and to grant unto your Majesty the several new rates and duties on inhabited houses herein-after mentioned, to be applied to the uses and purposes which the said rates and duties, granted by the abovementioned act, made in

in the last session of parliament, are now applicable unto; and do most humbly beseech your Majesty that it may be enacted; and be it enacted by the kings most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of July, one thousand seven hundred and seventy-nine, the rates and duties granted by the act, made in the last session of parliament, intituled, An act for granting to his Majesty certain duties upon all inhabited houses within the kingdom of Great Britain, shall cease, determine, and be no longer paid or payable, except only such monies as shall have become due in respect of the said rates and duties, assessed at any time on or before the said fifth day of July, one thousand seven hundred and seventy-nine, and which shall be in arrear and unpaid.

After July 5, 1779, the duties granted by the recited act to cease.

II. And be it further enacted by the authority aforesaid, That from and after the said fifth day of July, one thousand seven hundred and seventy-nine, there shall be charged, raised, levied and paid, unto his Majesty, his heirs and successors, the several and respective rates and duties upon all inhabited houses, with their appurtenances, herein-after mentioned, by the occupiers thereof respectively; (that is to say), upon and for every dwelling-house inhabited, together with the offices, courts, yards, and gardens, as herein-after expressed, therewith occupied, which now are, or hereafter shall be, erected within the kingdom of Great Britain, and which are, or for the time being shall be, worth the yearly rent of five pounds and upwards, and under the yearly rent of twenty pounds the yearly sum of sixpence in the pound; and upon and for every dwelling-house inhabited, together with the offices, courts, yards and gardens, as herein-after expressed, therewith occupied, which now are, or hereafter shall be, erected within the kingdom of Great Britain, and which are, or for the time being shall be, worth the yearly rent of twenty pounds and upwards, and under the yearly rent of forty pounds, the yearly sum of ninepence in the pound; and upon and for every dwelling house inhabited, together with the offices, courts, yards, and gardens, as herein-after expressed, therewith occupied, which now are, or hereafter shall be, erected within the kingdom of Great Britain, and which are, or for the time being shall be, worth the yearly rent of forty pounds and upwards the yearly sum of one shilling in the pound, to be estimated and ascertained in the manner in the said act and this present act expressed.

New duties to be paid; *vide-lucet*,

for all inhabited dwelling-houses, &c. from 5*l.* to 20*l.* a year, 6*d.* in the pound;

from 20*l.* to 40*l.* 9*d.* in the pound;

and for all at 40*l.* a year, and upwards, 1*s.* in the pound,

III. And be it further enacted and declared by the authority aforesaid, That, in all parishes and places where the assessments were made for three quarters of a year, from the fifth day of July, one thousand seven hundred and seventy-eight, to the fifth day of April, one thousand seven hundred and seventy-nine, at the rates prescribed by the former act, a further assessment shall be made at the same rates for one quarter, from the said fifth day of April, one thousand seven hundred and

Where the assessments or the former rates were made for three quarters of a year, a further assessment of one quarter shall be made, seventy-

up to July 5, 1779. **Seventy-nine, to the fifth day of July following; and that if any rate or assessment, at sixpence in the pound, on the value of any house and household offices therewith occupied, worth the yearly sum of twenty pounds and upwards, hath been, or shall be made, in pursuance of the said act for raising the said rate and duty thereby granted, for and in respect of the quarter, half year, or any other time, after the said fifth day of July, one thousand seven hundred and seventy-nine, every such rate or assessment so far as the same relates to the raising such rate and duty, in respect of such quarter, half year, or other term, after the fifth day of July, shall be null and void.**

Assessments for new duties to be made out for three quarters of a year, up to April 6, 1780;

and after that time to be made out annually, &c.

Coach-houses &c. and gardens not exceeding one acre, to be valued together with the dwelling-houses.

If the Commissioners in England or Wales shall neglect to appoint assessors, &c. the surveyors may perform their duty.

IV. Provided always, and be it further enacted by the authority aforesaid, That assessments shall be made out for raising the duties by this present act imposed, from the fifth day of July, one thousand seven hundred and seventy-nine, to the sixth day of April, one thousand seven hundred and eighty; which assessments shall be certified by the assessors, and returned by them to the said commissioners, on or before the tenth day of September, one thousand seven hundred and seventy-nine; and that the surveyors shall and may, on or before the sixteenth day of November following, certify their surcharges for raising the said duties for the said three quarters, to the said commissioners; and that all appeals, in respect to the said three quarters assessments, shall and may be heard and determined between the tenth day of December, one thousand seven hundred and seventy-nine, and fourth day of January, one thousand seven hundred and eighty; and that from and after the fifth day of April, one thousand seven hundred and eighty, the said duties shall be assessed annually for one whole year, to commence from the fifth day of April in each year; and that in all future years the assessments shall be made out and certified, and the surcharges certified, and the appeals heard, at the same times as the assessments, surcharges, and appeals, are made, certified, and heard, on the duties on houses and windows.

V. And be it further enacted and declared, That every coach-house, stable, brewhouse, wash-house, laundry, wood-house, bakelhouse, dairy, and other offices, and all yards, courts, and curtilages, and gardens, not exceeding one acre, belonging to, and occupied with, any dwelling-house, chargeable to the rates and duties imposed by this act, shall be valued together with such dwelling-house, and be liable to, and charged and assessed with, the rates and duties imposed by this act.

VI. And, for the more effectual levying and collecting the duty imposed by this act, in that part of Great Britain called England and Wales, be it enacted and declared, That in case at any time the commissioners for putting in execution this present act, shall neglect to appoint assessors, or in case the assessors by them appointed shall neglect to perform what is required of them, by the said act of the last session of parliament, and this present act; that then, and in such case, it shall and may be lawful to and for the surveyor or surveyors, appointed or to be appointed in that

That behalf, to do and perform such and the like services as are by the said acts required from such assessors.

VII. And be it further enacted by the authority aforesaid, That that part of the said recited act, whereby the commissioners thereby appointed for putting the same in execution, have power to enlarge, alter, abate, or diminish, the assessments to be delivered to the said commissioners, before such commissioners shall have set their names to such respective assessments, testifying their allowance thereof, shall be, and the same is hereby repealed.

VIII. And it is hereby further enacted, That, from and after the fifth day of July, one thousand seven hundred and seventy-nine, no assessments which shall be made or delivered to the said commissioners, or any three or more of them, pursuant to the said act, or this present act, shall be altered or diminished before the time for hearing and determining appeals, and then only upon the commissioners hearing the matter of the appeal particularly relating thereto, or concerning the same, upon a general appeal day.

IX. *And whereas the said act recited, That several manufactures, trades, occupations, and callings, necessarily require warehouses and buildings requisite for carrying them on, by reason whereof, the persons concerned therein are obliged to pay large rents, or have laid out considerable sums thereon, and that it might be a great hardship upon such persons to be rated to the full extent of their respective rents, or of the value of the premises above-mentioned; and it was thereby enacted and declared, That such premises should not be liable to the duty imposed by the said act, but that the assessment should be made on the dwelling-house only, with the household offices belonging to it: And whereas, under colour of the said exemption, the payment of the said rates and duties hath been greatly eluded; it is therefore hereby enacted, That all shops and warehouses, which are attached to the dwelling-house, or have any communication therewith, (except such warehouses and buildings upon or near adjoining to wharfs, which are occupied by persons who carry on the business of wharfingers, and who have dwelling-houses upon the said wharfs for the residence of themselves or servants employed upon the said wharfs, and who are to be rated in respect of the said dwelling-houses only,) shall be charged with the rates and duties granted by this act, together with the dwelling-house and the household and other offices thereto belonging; any thing in the said recited act to the contrary notwithstanding.*

X. Provided always, and be it further enacted by the authority aforesaid, That no warehouse, being a distinct and separate building, and not part or parcel of the dwelling-house or shop, but employed solely for the purpose of lodging goods, wares, and merchandize, or for carrying on some manufacture, (although the same may adjoin to, or have an internal communication with, the dwelling-house,) shall be charged with the rates and duties granted by this act; any thing therein contained to the contrary notwithstanding.

Part of the recited act repealed.

After July 5, 1779, no assessments which shall be made or delivered to the commissioners, shall be altered before the time for hearing appeals.

All shops and warehouses attached to the dwelling-house shall be charged to the rates together with such dwelling-house:

Except those of wharfingers.

No warehouse which is a distinct building from the dwelling-house and shop, shall be charged with the rates.

All inhabited houses of 5^l. a year or upwards, to be subject to the duties, except such as are expressly excepted by the recited act.

No house to be deemed inhabited in which only one person resides to take care thereof.

Where houses are let in different tenements, the landlord shall be deemed the occupier.

All halls and offices chargeable to other taxes or parish rates, to be subject to the duties granted by this act.

Commissioners to be sworn before they execute this act, or the recited acts.

The oath.

XI. *And whereas it is declared by the said act of the last session of parliament, That no houses shall, within the intention of that act, be deemed or taken to be inhabited houses, except the same shall be inhabited by the owner, or by a tenant renting the same: And whereas doubts have arisen, whether houses inhabited by persons who pay no rent for the same are within the meaning of the said act; be it further enacted by the authority aforesaid, That all houses within the kingdom of Great Britain, of the annual value of five pounds, and upwards, inhabited by any person or persons whatsoever, shall be subject to the duty imposed by this act, except such as are expressly excepted by the said recited act: provided always, That no house shall be considered as an inhabited house in which a servant or other person only resides to take care of the same.*

XII. *And be it further enacted and declared, That where any house shall be divided into different stories or tenements, let in different apartments to several persons, and subject by the said recited act to the duties thereby granted as if the same was inhabited by one person or family only, the landlord or owner of every such house shall be deemed and taken to be the occupier of such dwelling-house, and shall be charged with and liable to pay the duties imposed by this act; any thing in the said recited act contained to the contrary notwithstanding.*

XIII. *And be it likewise enacted and declared by the authority aforesaid, That all and every hall and office whatsoever belonging to any person or persons, or to any bodies politick or corporate, that are or may be lawfully charged with the payment of any other taxes or parish rates, shall be subject to the duties granted by this act, and shall be respectively charged as inhabited houses within the true intent and meaning of this act; and the person or persons, bodies politick or corporate, to whom the same shall belong, shall be charged and assessed as the occupiers thereof.*

XIV. *Provided always, and be it enacted by the authority aforesaid, That no person shall presume to act as a commissioner in the execution of the said recited act, or of this present act, or of such part of the before recited act of the seventeenth year of his present Majesty as relates to the granting to his Majesty a duty upon all servants retained or employed in the several capacities therein mentioned, or any of the powers therein or herein contained, until he hath first taken (besides the oaths required to be taken by any other act or acts of parliament) an oath, or, being one of the people called Quakers, made and subscribed his solemn affirmation, in the following manner:*

I A. B. do swear, (or affirm, as the case may require,) That I will truly and faithfully execute the office of a commissioner, and will determine upon all appeals which shall be brought before me according to the best of my skill and judgement, pursuant to the acts of parliament in that behalf.

So help me GOD.
XV. Pro-

XV. Provided always, and be it further enacted by the authority aforesaid, That no person shall be capable of acting as a commissioner in the execution of the said recited acts, or of this present act, or any of the powers therein or herein contained, within the city of *London* and liberty of *Saint Martin le Grand*, nor within the city and liberty of *Westminster*, unless such person be possessed of lands, tenements, or personal estate, to the amount or value of two thousand pounds at least, after the payment of all his debts, any thing therein contained to the contrary notwithstanding; which qualification they shall swear to previous to their acting as aforesaid, or, being one of the people called *Quakers*, make and subscribe his solemn affirmation, in the following form:

Commissioners for the city of London, &c. to be sworn as to their qualification.

I A. B. do swear, (or affirm, as the case may require,) That I truly and bona fide have such an estate, consisting of (specifying the same,) of the clear value of two thousand pounds, over and above what will satisfy and discharge all my debts.

The oath.

So help me GOD.

And if any person shall presume to act as a commissioner in the execution of the said recited acts, or of this present act or any of the powers therein or herein contained, before he shall have taken such oaths, or made such affirmations, as herein directed, he shall forfeit, for every such offence, the sum of two hundred pounds; one moiety thereof shall be paid to his Majesty, his heirs and successors, and the other moiety to any person or persons who will inform or sue for the same.

Penalty on commissioners acting before they have taken the oaths.

XVI. And whereas, by the said recited act of the seventeenth year of his present Majesty, it is provided, That in case any master or mistress shall neglect or refuse to make out, sign, and deliver, to the assessor or assessors to be appointed by virtue of the said act, a list of his or her servants, as by the said act is required; or in case, in any list delivered, any servant or servants shall, by the said assessor or assessors, be found to be omitted, then, and in either of the said cases, such assessor or assessors are by the act authorised and empowered to make, upon such master or mistress so neglecting or refusing to deliver a list, or delivering a deficient list, of his or her servants, an assessment of the number of servants retained or employed by such master or mistress, as in the said act is mentioned, distinguishing their christian and surnames, and their respective employments; and the surveyor or surveyors, in the said act mentioned, are by the said act authorised and required to examine every list and assessment, and if he or they shall discover that any master or mistress, who should and ought to be charged with the said duty, shall have been omitted to be charged therewith, or shall have been under-rated, he or they are directed to certify, as in the said act mentioned, such servant or servants as have been omitted, together with the christian and surname, and the employment, of each servant, by way of surcharge: And whereas great difficulties have occurred to the assessors and surveyors, in making such assessments and surcharges, in discovering the names and employments of the servants,

Recital of part of the servants act, 17 Geo 3-

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No assessment or surcharge, made by any assessor, &c. shall be impeached for any mistake in the servants' names, &c.

in respect of whom the master or mistress ought to be assessed and charged; be it therefore enacted by the authority aforesaid, That no assessment or surcharge, made or to be made, by any assessor or assessors, surveyor or surveyors, by virtue of the said act, or this present act, shall be impeached or affected by reason of any mistake or variance in the christian or surname, or either of them, of any servants, or in the description of their employments; but that all such assessments and surcharges shall be valid and effectual, to all intents and purposes, notwithstanding any such mistake or variance, provided the person or persons intended to be described shall be a servant or servants, in respect of whom the master or mistress ought to be assessed within the meaning of the said act.

Regulations relating to masters, &c. who have different places of residence.

XVII. And whereas, by the said act of the seventeenth year of his present Majesty, notice is taken, that many masters and mistresses have, or may have, different places of residence, or may have servants, in respect of whom such masters or mistresses may be liable to be rated or assessed, stationed or residing in different places, and relief is therein provided to prevent such masters and mistresses from being assessed in more places than one for their respective servants, which has been found to be attended with considerable difficulties, and afforded occasion for many evasions; be it further enacted by the authority aforesaid, That every such master or mistress, when he or she is called upon by the assessors for a list of his or her servants, in each parish or district where he or she has a place of residence, as directed by the said recited act, shall at the same time return a list, or make a declaration, signed by him or her, of the number of servants they mean to pay for at every other place, specifying the particular parish or parishes wherein he or she means to pay for such other servant or servants; and the said assessors shall enter the same at the end of their several assessments, and deliver them to the surveyor for the district, that he may transmit the particulars thereof to the commissioners for managing the affairs of taxes; and on failure of the delivery of such list, or making a declaration, in the manner above-mentioned, by any master or mistress, the assessors or surveyors shall, and are hereby required to surcharge such master or mistress for every servant who has been retained by any master or mistress respectively, within the parish for which the assessment is made, during the year ending the fifth day of April preceding the making such assessment.

Penalty on masters for not returning servants in one parish, according to lists, &c. delivered in another.

XVIII. And it is hereby further enacted and declared, That if it shall be discovered that any servant or servants have not been returned by a master or mistress in one parish, according to the lists or declarations delivered in another, in order to their being brought regularly into charge by the assessors, the master or mistress of such servant or servants shall forfeit and pay the sum of forty pounds, one half to his Majesty, his heirs and successors, and the other to the person or persons who shall sue for the same.

All the powers, rules, pe-

XIX. And be it further enacted by the authority aforesaid, That

That all and every the powers, authorities, rules, directions, penalties, forfeitures, clauses, matters, and things, not hereby altered, contained in the said recited acts, made in the seven-
teenth year of his present Majesty, and in the last session of parliament, or either of them, for raising, levying, collecting, and paying the duties thereby granted, shall be in full force, and be duly observed, practised, and put in execution, throughout the whole kingdom of *Great Britain*, for raising and levying, collecting and paying, the several rates and duties on servants, and on inhabited houses, by the said acts, and this present act granted, as fully and effectually, to all intents and purposes, as if the same or the like powers, authorities, rules, directions, penalties, forfeitures, clauses, matters, and things, were particularly repeated and re-enacted in the body of this present act.

penalties, &c. in the recited acts, (not hereby altered,) to be observed in executing the said acts, and this act.

XX. Provided always, and be it enacted, That all penalties and forfeitures to be incurred for any offences against this act, for which there is no particular way of levying herein prescribed or appointed, shall be recovered in any of his Majesty's courts of record at *Westminster*, with costs of suit, by action of debt, or on the case, bill, suit, or information, wherein no essoin, protection, wager of law, or more than one imparlance, shall be allowed.

Penalties and forfeitures how to be recovered.

XXI. And be it further enacted by the authority aforesaid, That if any person or persons shall, at any time or times, be sued, molested, or prosecuted, for any thing by him or them done or executed in pursuance of this act, or of any clause, matter, or thing herein contained, such person or persons shall and may plead the general issue, and give the special matter in evidence, for his or their defence; and if, upon the trial, a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs become nonsuited, then such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs.

Persons sued in executing this act, may plead the general issue,

and recover treble costs.

C A P. LX.

An act for establishing certain payments to be made to the vicar of the parish of Saint Michael in the city of Coventry for the time being in lieu of tithes; and for repealing so much of an act of the fourth and fifth of Philip and Mary as relates to the payment of tithes in the said parish.

C A P. LXI.

An act for continuing in the possession of the united company of merchants of England trading to the East Indies, for a limited time, and under certain conditions, the territorial acquisitions and revenues lately obtained in the East Indies; and for continuing, for a limited time, so much of an act, made in the thirteenth year of the reign of his present Majesty, intituled, An act for establishing certain regulations for the better management of the affairs of the East India company, as well in India as in Europe, as will expire in the course of the present year.

W H E R E A S

Anno decimo nono GEORGII III. c. 61. [1779.]

WHEREAS by an act, passed in the thirteenth year of the reign of his present Majesty, intituled, An act for granting to his Majesty a sum of money, to be raised by exchequer bills, and to be advanced and applied in the manner, and upon the terms, therein mentioned, for the relief of the united company of merchants of England trading to the East Indies; it was directed, That the commissioners of his Majesty's treasury, or the lord high treasurer for the time being, should cause to be prepared and made any number of exchequer bills not exceeding in the whole the amount of one million four hundred thousand pounds, to be lent, advanced, and issued, as in the said act was directed, for the relief of the united company of merchants of England trading to the East Indies: and whereas by the said act it was declared, That in the then circumstances of the East India company, it would not be in their power to provide for the repayment of the loan aforesaid, and for establishing their affairs upon a more secure foundation for the time to come, unless the publick should agree to forego, for the then present time, all participation in the profits arising from the territorial acquisitions and revenues lately obtained in the East Indies; and therefore it was by the said act enacted, That until the aforesaid sum of one million four hundred thousand pounds should be repaid, and the bond debt of the company be reduced to the sum of one million five hundred thousand pounds, the whole clear profits arising from the aforesaid territorial acquisitions and revenues, after defraying the charges and expences attending the same, together with all the clear revenue and profits of the said company, after providing for the current payments of interest, and other outgoings, charges and expences, of the said company, should, from time to time, be disposed of and applied in the manner as in the said act was directed; (that is to say) until the aforesaid sum of one million four hundred thousand pounds should be repaid, and so long as the said sum, or any part thereof, should remain unpaid, there should, in the first place, be set apart and applied, out of the said clear revenues and profits, such a sum as might be sufficient for answering a dividend to the proprietors of the stock of the said company, not exceeding the rate of six pounds per centum per annum upon the capital stock of the said company; and all the surplus of the said clear revenues and profits should be applied in diminution of the said sum of one million four hundred thousand pounds, or such part thereof as should be remaining unpaid, and for defraying the charges incurred in respect thereof; and after the repayment of the whole of the money so advanced and applied as aforesaid, and until the bond debt of the said company should be reduced to the sum of one million five hundred thousand pounds, there should in like manner be set apart and applied, in the first place, out of the said clear revenues and profits, such sum as might be sufficient for answering a dividend, not exceeding the rate of seven pounds per centum per annum upon the capital stock of the said company; after which all the surplus of the said clear revenues and profits should be applied in reducing the bond debt of the said company: And whereas the said sum of one million four hundred thousand pounds has been repaid, and fully discharged, and all the charges incurred in respect thereof have been defrayed, and the bond

debt

debt of the said company has been reduced to, or under, the sum of one million five hundred thousand pounds, whereby the circumstances, in consideration whereof it was in the aforesaid act declared that the publick should agree to forego, for the then present time, all participation in the profit arising from the territorial acquisitions and revenues lately obtained in the East Indies, have ceased and are determined, but whereas notwithstanding it may be expedient that the aforesaid territorial acquisitions and revenues should, for a limited time, and under certain conditions and restrictions, remain in the possession of the united company of merchants of England trading to the East Indies: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and content of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all the territorial acquisitions and revenues, lately obtained in the East Indies, shall remain in the possession of the united company of merchants of England trading to the East Indies, and their successors, for and during the term of one year, to be computed from the fifth day of April, in the year of our Lord one thousand seven hundred and seventy-nine.

All the territorial acquisitions and revenues, lately obtained in the East Indies, to remain in possession of the company till April 5, 1780.

No dividend to be made by the company, before April 5, 1780, of more than eight per cent per ann.

II. Provided always, and be it further enacted by the authority aforesaid, That, for and during the said term, the whole clear profits arising from the said territorial acquisitions and revenues, after deducting the charges and expences attending the same, together with all the clear revenue and profits of the said company, after providing for the current payments of interest, and other outgoings, charges and expences, of the said company, shall be disposed of and applied in manner following: that is to say, it shall and may be lawful, out of the said clear revenues and profits, to set apart and apply in the first place, such sum as may be sufficient for answering a dividend to the proprietors of the stock of the said company, not exceeding the rate of eight pounds *per centum per annum*, upon the capital stock of the said company, after which the whole surplus of the said clear revenues and profits shall be reserved and await any future agreement that may be made between the publick and the said company.

The company are to cause to be made up half yearly, during the continuance of this act, an account of the profit and loss upon their trade, &c,

which shall be transmitted to the commissioner of the treasury.

III. And be it further enacted by the authority aforesaid, That, during the continuance of this act, the said united company do cause, and they are hereby directed and required to cause to be made up half yearly, with as much accuracy as the nature of the case will admit, a statement or account of the profit and loss upon the whole of the trade and revenues of the said company, together with a state of the debts of the said company, in England, exclusive of their bond debt, to the first day of September, and the first day of March; the first of such statements or accounts to be made up from the first day of March to the first day of September, one thousand seven hundred and seventy-nine; and to transmit such statement or account fairly written, and signed by two or more of the directors of the

said united company, within twenty one days after the day to which such statement or account shall be made up respectively, to the commissioners of his Majesty's treasury, or the high treasurer for the time being.

The company restricted from accepting bills above a certain sum drawn on them by their officers, &c. in the East Indies.

without the consent of the commissioners of the treasury.

Recital of 13 Geo. 3. cap. 63.

The governor general and council of the presidency of Fort William, shall continue in their offices during

IV. And be it enacted by the authority aforesaid, That, during the continuance of this act, it shall not be lawful for the said united company, or their successors, or any of their officers or servants on their account, to accept or otherwise bind the said company, or their successors, for the payment of any bill or bills of exchange, drawn by any of their officers or servants, at any of their presidencies in the *East Indies*, for any sum exceeding the sum of three hundred thousand pounds, exclusive of certificates, to the amount of eight thousand pounds, to the commanders and officers of each of the company's ships, without the consent and order first had and obtained of the commissioners of his Majesty's treasury for the time being, or any three or more of them, or of the high treasurer for the time being, who are hereby respectively authorised to give such consent, or to make such order thereon as they shall judge expedient; and every acceptance or engagement made contrary to the true meaning and intent of this act, shall be null and void to all intents and purposes.

V. And whereas by another act, passed in the same session of parliament, intituled, An act for establishing certain regulations for the better management of the affairs of the *East India* company, as well in *India* as in *Europe*, it was, among other things, enacted, That, for the government of the presidency of Fort William in Bengal, there should be appointed a governor general and four counsellors, and that the whole civil and military government of the said presidency, and also the ordering, management, and government, of all the territorial acquisitions and revenues in the kingdoms of Bengal, Bahar, and Orissa, should, during such time as the territorial acquisitions and revenues should remain in the possession of the said united company, be vested in the said governor general and council of the said presidency of Fort William in Bengal; and also that the governor general and four first counsellors, appointed by the said act, should each of them hold and continue in his and their respective offices for and during the term of five years from the time of their arrival at Fort William in Bengal, and taking upon them the government of the said presidency, and should not be removeable in the mean time, except by his Majesty, his heirs and successors, upon representation made by the court of directors for the said united company for the time being: and whereas it may be expedient that the said regulation should be extended to the person and persons who, at the time of passing this act, shall have and enjoy the respective offices of governor general, and counsellors of the said presidency; be it therefore enacted by the authority aforesaid, That the person and persons who, at the time of the passing of this act, shall have and enjoy the office and offices of governor general and counsellors of the said presidency, shall hold and continue in his and their respective offices for and during the continuance of this act, and shall not

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be removeable in the mean time, except by his Majesty, his heirs and successors, upon representation made by the court of directors for the said united company for the time being; and shall have and enjoy all and singular the powers and authorities vested by the said act in the first governor general and four first counsellors by the said act appointed, and shall be subject to the said restrictions and limitations as by the said act the first governor general and first four counsellors were made subject; and that in case of the avoidance of the offices of such governor general, or any of the said counsellors, such office shall be respectively supplied in the said manner as the same office would by the said act have been supplied, during the remainder of the term of five years which was computed from the time that the first governor general and four first counsellors took upon them the government of the said presidency.

VI. Provided always nevertheless, and be it enacted, That nothing in this act contained shall extend, or be construed to extend, to affect the rights of the crown, or of the said company, after the expiration of this act; but that the same shall remain, continue, and be in the same state and condition, in all respects, as though this act had never been made.

VII. And be it further enacted by the authority aforesaid, That this act shall be deemed and taken to be a publick act; of which notice shall be judicially taken by all judges, justices, and all other persons whatsoever, without specially pleading the same.

C A P. LXII.

An act to permit the removal of lime, and other articles necessary for the improvement of land, without cocquet or bond.

WH E R E A S by an act made in the thirteenth and fourteenth years of the reign of King Charles the Second, (intituled, *An act for preventing frauds and regulating abuses in his Majesty's customs*), it was amongst other things, enacted, *That if any goods, wares, or merchandizes, shall be shipped or put on board to be carried forth to the open sea, from any one port, creek, or member, of England, dominion of Wales, or port and town of Berwick, to be landed at any other place of this realm, without a sufferance or warrant first had and obtained from the officers of his Majesty's customs, all such goods, wares, and merchandizes, shall be forfeited and lost; and that the master of every ship or vessel that shall so lade or take in any such goods, wares, or merchandizes, to be landed and discharged as aforesaid, shall, before the ship, or vessel be removed or carried out of the port from whence he shall take in his lading, take out a cocquet or cocquets, and become bound to the King's majesty, with good security, in the value of the goods, wares, and merchandizes, for delivery and discharge thereof, in the port or place for which the same shall be entered, or in some other port or place in this kingdom: and whereas, in order to promote the cultivation and improvement of*

Preamble.

Recital of an act 13 and 14 Car. 2.

After 24 June,
1779, lime, &c
for the im-
provement of
land may be
carried from
port to port,
without giv-
ing any coc-
quet or bond

land, it is expedient that lime, and other articles necessary for that purpose, should be removed at as little expence as possible to the owners and proprietors of such lands, and that they should not be put to any trouble or difficulty more than is necessary for the security of the publick revenue; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the twenty-fourth day of June, one thousand seven hundred and seventy-nine, no cocquet or bond shall be required or taken by any officer or officers of the customs, from the master or owner of any hoy, vessel, or boat, or from any other person whatsoever, for carrying or removing of any lime, lime-stones, chalk, marle, or dung, from any port, member, or creek, in Great Britain, to be landed at any other port or place within the said kingdom; but such lime, lime-stones, chalk, marle, and dung, may be so shipped and laden, at any port, member, or creek, within this kingdom, by sufferance or warrant, and may be removed and carried by open sea, and landed at any other port or place in Great Britain, by transire only, any thing in the said recited act, or any other act, to the contrary in any wise notwithstanding.

C A P. LXIII.

An act for raising a certain sum of money by loans or exchequer bills, for the service of the year one thousand seven hundred and seventy-nine.

Most gracious Sovereign,

Preamble.

Commissioners of the
treasury may
raise
1,500,000 l
by loans and
exchequer
bills, before
Jan 5. 1780

in manner as

WE, your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, towards raising the necessary supplies which we have cheerfully granted to your Majesty in this session of parliament, have resolved to give and grant unto your Majesty the sum herein-after mentioned, and do therefore most humbly beseech your Majesty, that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the commissioners of his Majesty's treasury now or for the time being, or any three or more of them, or the high treasurer for the time being, at any time or times before the fifth day of January, one thousand seven hundred and eighty, to cause or direct any loans to be taken or received at his Majesty's exchequer from any person or persons, natives or foreigners, body or bodies politick or corporate, or any number of exchequer bills to be made out there for any sum or sums of money, not exceeding in loans and exchequer bills together, in the whole, the sum of one million five hundred thousand pounds, in the same or like manner, form,

form, and order, and according to the same or like rules and directions, as in and by an act of this present session of parliament, (intituled, *An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and seventy-nine*;) are prescribed concerning the loans or exchequer bills to be taken or made in pursuance of the said act.

II. And be it further enacted by the authority aforesaid, That all and every the clauses, provisos, powers, privileges, advantages, penalties, forfeitures, and disabilities, contained in the said last mentioned act, relating to the loans or exchequer bills authorised to be made by the same act, (except such clauses as do charge the same on the taxes granted by the same act, and except such clauses as limit the rate of interest to be paid for the forbearance of money lent on the credit of the said act, and also except as is herein-after mentioned), shall be applied and extended to the loans and exchequer bills to be made in pursuance of this act, as fully and effectually, to all intents and purposes, as if the same loans or exchequer bills had been originally authorised by the said last-mentioned act, or as if the said several clauses or provisos had been particularly repeated and re-enacted in the body of this act.

III. Provided always, and be it further enacted by the authority aforesaid, That no exchequer bill or bills to be made out by virtue of this act, shall, after the same hath or have been issued at the exchequer, be afterwards, at any time before the sixth day of *April*, one thousand seven hundred and eighty, received or taken, or pass or be current, to any receiver or collector, in *Great Britain*, of the customs, excise, or any revenue, supply, aid, or tax whatsoever, due or payable to his Majesty, his heirs or successors, or at the receipt of the exchequer, from any such receiver or collector, or from any other person or persons, bodies politick or corporate, otherwise or on any other account than for the discharge and cancelling of such bills, in case the same shall be in due course or order of payment before the said sixth day of *April*; nor shall any such receiver or collector exchange, at any time before the said sixth day of *April*, for any money of such revenues, aids, taxes, or supplies, in his hands, any exchequer bill or bills which shall have been issued as aforesaid by virtue of this act; nor shall any action be maintained against any such receiver or collector for neglecting or refusing to exchange any such bill or bills for ready money, before the said sixth day of *April*, any thing in the said act made in this present session of parliament, (intituled, *An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and seventy nine*) or this act, contained to the contrary notwithstanding.

IV. And be it further enacted by the authority aforesaid, That all such loans or exchequer bills, together with the interest, premium, rate, and charges, incident to or attending

by the land tax act of this session is prescribed, &c.

The clauses in the said act relating to loans or bills,

(except, &c.)

extended to this act.

Exchequer bills so issued not to be received again in payment of any taxes,

nor exchanged before *April* 6, 1780

Action not to lie for such refusal.

Money so raised to be repaid out of the next parliamentary aid;

the same, shall be and are hereby charged and chargeable upon, and shall be repaid or borne by ~~the~~ out of the first aids or supplies which shall be granted in the next session of parliament; and in case sufficient aids or supplies for that purpose shall not be granted before the fifth day of July, one thousand seven hundred and eighty, then all the said loans or exchequer bills with the interests, premium, rate, and charges, incident to or attending the same, shall be, and are hereby charged and chargeable upon such monies as, at any time or times ~~at~~ or after the said fifth day of July, shall be or remain in the receipt of the exchequer of the surpluses, excesses, overplus-monies, and other revenues composing the fund commonly called *The Sinking Fund*, (except such monies of the said sinking fund as are appropriated to any particular use or uses by any act or acts of parliament in that behalf); and such monies of the said sinking fund shall and may be issued and applied, as soon as the same can be regularly stated and ascertained, for and towards paying off, cancelling, and discharging such loans or exchequer bills, interest, premium, rate, or charges, until the whole of them shall be paid off, cancelled, and discharged, or money sufficient for that purpose be kept and reserved in the exchequer, to be payable on demand to the respective proprietors thereof.

and if none be granted before July 5. 1780. to be charged on the sinking fund.

Monies so issued to be replaced out of the first supplies.

V. Provided always, and be it enacted by the authority aforesaid, That whatever monies shall be so issued out of the said surpluses, excesses, overplus-monies, or other revenues composing the sinking fund, shall from time to time be replaced by and out of the first supplies to be then after granted in parliament; any thing herein contained to the contrary notwithstanding.

Bank of England authorized to advance the said sum on the credit of this act;

VI. And be it declared and further enacted by the authority aforesaid, That it shall and may be lawful for the governor and company of the bank of *England* to advance or lend to his Majesty. in like manner, at the receipt of the exchequer, upon the credit of loan granted by this act, any sum or sums of money not exceeding in the whole the sum of one million five hundred thousand pounds, any thing in an act, made in the fifth and sixth years of the reign of King *William* and Queen *Mary*, (intituled, *An act for granting to their Majesties several rates and duties upon tonnage of ships and vessels, and upon beer, ale, and other liquors, for securing certain recompences and advantages, in the said act mentioned to such persons as shall voluntarily advance the sum of one million five hundred thousand pounds towards carrying on the war against France,*) to the contrary thereof in any wise notwithstanding.

act & 5 Gul. & Marie notwithstanding.

C A P. LXIV.

An act for raising a further sum of money, by loans or exchequer bills, for the service of the year one thousand seven hundred and seventy-nine.

Most gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects, the commons of *Great Britain*, in parliament assembled, towards raising the necessary supplies which we have cheerfully granted to your Majesty in this session of parliament, have resolved to give and grant unto your Majesty the sum herein after mentioned; and do therefore most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the commissioners of his Majesty's treasury now or for the time being, or any three or more of them, or the high treasurer for the time being, at any time or times before the fifth day of *January*, one thousand seven hundred and eighty, to cause or direct any loans to be taken or received at his Majesty's exchequer from any person or persons, natives or foreigners, body or bodies politic or corporate, or any number of exchequer bills to be made out there for any sum or sums of money, not exceeding in loans and exchequer bills together in the whole the sum of one million, nine hundred thousand pounds, in the same or like manner, form, and order, and according to the same or like rules and directions, as in and by an act of this present session of parliament, intituled, *An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and seventy nine*, are prescribed concerning the loans or exchequer bills, to be taken or made in pursuance of the said act.

II. And be it further enacted by the authority aforesaid, That all and every the clauses, provisos, powers, privileges, advantages, penalties, forfeitures, and disabilities, contained in the said last-mentioned act relating to the loans of exchequer bills authorised to be made by the same act (except such clauses as do charge the same on the taxes granted by the same act, and except such clauses as limit the rate or interest to be paid for the forbearance of money lent on the credit of the said act, and also except as is herein-after mentioned) shall be applied and extended to the loans and exchequer bills to be made in pursuance of this act, as fully and effectually, to all intents and purposes, as if the same loans or exchequer bills had been originally authorised by the said last-mentioned act, or as if the said several clauses or provisos had been particularly repeated and re-enacted in the body of this act.

III. Provided always, and be it further enacted by the authority

Commissioners of the treasury may raise 1 900 000*l.* by loans and exchequer bills, before Jan. 5, 1780.

in manner as by the land tax act of this session is prescribed, &c.

The clauses in the said act relating to loans or bills,

extended to this act.

Exchequer bills so issued

in payment of
any taxes.

and if none
be granted
before July 5,
1780
to be charged
on the sink-
ing fund.

and before
April 6, 1780.

Action not to
lie for such
refusal.

Money to
be repaid out of
the next par-
liamentary
aid,

and if none
be granted
before July 5,
1780

to be charged
on the sink-
ing fund.

Monies so is-
sued to be re-

any such bill or bills to be made out
by the exchequer, after the said day or have been issued
on any such account, to be repaid or paid before the sixth
day of April, one thousand seven hundred and eighty, received
or taken, or paid or to be received, to any receiver or collector in
Great Britain, of the customs, excises, or any revenue, supply,
aid, or tax whatsoever, due or payable to his Majesty, his heirs
or successors, or at the receipt of the exchequer, from any such re-
ceiver or collector, or from any other person or persons, bodies
politic, or corporations, or on any other account than
for the discharge and cancelling of such bills, in case the same
shall be in the receipt or order of payment before the said sixth
day of April; nor shall any such receiver or collector exchange,
at any time before the said sixth day of April, for any money of
such revenues, aids, taxes, or supplies, in his hands, any ex-
chequer bill or bills which shall have been issued as aforesaid by
virtue of this act; nor shall any action be maintained against any
such receiver or collector for neglecting or refusing to exchange
any such bill or bills for ready money, before the said sixth day
of April, any thing in the said act made in this present session of
parliament, intituled, *An act for granting an aid to his Majesty by
a land tax, to be raised in Great Britain, for the service of the year
one thousand seven hundred and seventy-nine; or this act, contained
to the contrary notwithstanding.*

IV. And be it further enacted by the authority aforesaid,
That all such loans or exchequer bills, together with the inter-
est, premium, rate, and charges, incident to or attending the
same, shall be and are hereby charged and chargeable upon,
and shall be repaid or borne by or out of the first aids or sup-
plies which shall be granted in the next session of parliament;
and in case sufficient aids or supplies for that purpose shall not
be granted before the fifth day of July, one thousand seven hun-
dred and eighty, then all the said loans or exchequer bills, with
the interest, premium, rate, and charges, incident to or attend-
ing the same, shall be and are hereby charged and chargeable
upon such monies as, at any time or times at or after the said
fifth day of July, shall be or remain in the receipt of the exche-
quer of the surplus, excesses, overplus monies, and other re-
venues composing the fund commonly called *The Sinking Fund*,
(except such monies of the said sinking fund as are appropriated
to any particular use or uses by any act or acts of parliament in
that behalf;) and such monies of the said sinking fund shall and
may be issued and applied, as soon as the same can be regularly
rated and ascertained, for and towards paying off, cancelling,
and discharging such loans or exchequer bills, interest, pre-
mium, rate, or charges, until the whole of them shall be paid
off, cancelled and discharged, or money sufficient for that pur-
pose be kept and reserved in the exchequer, to be payable on
demand to the respective proprietors thereof.

Provided always, and be it enacted by the authority aforesaid,
That whatever monies shall be issued out of the said
surpluses,

forfeited, or otherwise expended, as other the said company, in the sinking fund, shall from time to time be replaced by and out of the first supplies to be then after granted in parliament: but thing herein contained, to the contrary notwithstanding. And be it declared and further enacted by the authority aforesaid, That it shall and may be lawful for the governor and company of the bank of England to advance or lend to his Majesty, in like manner, at the receipt of the exchequer, upon the credit of loan granted by this act, any sum or sums of money not exceeding in the whole the sum of one million, nine hundred thousand pounds, any thing in an act, made in the fifth and sixth years of the reign of King William and Queen Mary, intituled, *An act for granting to their Majesties several rates and duties upon tonnage of ships and vessels, and upon beer, ale, and other liquors, for securing certain recompences and advantages in the said act mentioned to such persons as shall voluntarily advance the sum of one million, five hundred thousand pounds towards carrying on the war against France, to the contrary thereof in any wise notwithstanding.*

placed out of the said loan, viz. 1772 & 1773

Bank of England authorized to advance the said sum on the credit of this act.

Act 5 & 6 Gul. & Maria notwithstanding.

C A P. LXV.

An act for the further augmentation of the salaries of the puisne justices of the courts of King's bench and common pleas, and of the barons of the court of the chancery, at Westminster.

WHEREAS it is reasonable and expedient that a further augmentation should be made to the salaries of the puisne justices of the courts of King's bench and common pleas, and of the barons of the court of the chancery, at Westminster, and whereas the several stamp-duties, granted by divers acts of parliament, made in the thirty-second year of the reign of his late majesty King George the second, and in the second and fifth years of his present Majesty's reign, and appropriated for the payment of the augmented salaries of the respective judges and justices therein mentioned, and which since that time, by an act made in the twelfth year of the reign of his present Majesty, have been charged with the payment of a second augmentation of the salaries of the justices of Chester, and of the great sessions for the counties of Wales, have for many years past produced annual-ly a considerable surplus, but not sufficient to supply so much as is necessary for such further augmentation as aforesaid, and there remained in the receipt of the exchequer on the fifth day of January, one thousand seven hundred and seventy-nine, the sum of fifteen thousand two hundred and ninety-seven pounds, ten shillings, and five pence farthings, of the surplusses of the several stamp-duties aforesaid, and whereas the deduction of expence in the pound out of all moneys paid upon all salaries, pensions, annuities, and other payments from the crown, established by an act of parliament, made in the twelfth year of the reign of King George the first, after satisfying the annuities thereby charged on the same, hath also for many years past produced a very considerable surplus, all which said several surplusses are by the said acts respectively reserved for the disposition of parliament, be it therefore enacted

Preamble.

After July 5, 1779, there shall be paid yearly out of the surplusses of certain Stamp-duties, &c. the following sums, in augmentation of the judges salaries; *vide* *ibid.*

400*l.* to each puisne judge in the King's bench and common pleas; 500*l.* to the chief baron, and 400*l.* to each of the other barons of the exchequer.

enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of July one thousand seven hundred and seventy-nine, there shall be yearly, and every year, issued, paid, and applied, out of the said sum of fifteen thousand two hundred and ninety-seven pounds, ten shillings, and five-pence farthing, of the surplusses of the said several stamp-duties so remaining in the receipt of the exchequer as aforesaid; and out of all or any of the surplusses which have arisen or shall arise upon the said several stamp-duties granted by the acts aforesaid, (after the payments already charged thereupon shall from time to time have been satisfied,) and out of the surplusses now remaining in the receipt of the exchequer, and which shall hereafter arise, upon the said deductions of sixpence in the pound out of all salaries, pensions, annuities, and other payments as aforesaid, after satisfying the said several annuities already charged on the same the sums of money following, to the several judges herein-after mentioned, as an addition to and in further augmentation of their respective salaries, that is to say, the sum of four hundred pounds to each of the puisne justices for the time being in the courts of King's bench and common pleas at *Westminster*; the sum of five hundred pounds to the chief baron for the time being in the court of exchequer at *Westminster*; and the sum of four hundred pounds to each of the other barons of the coif for the time being in the said court of exchequer; which said several and respective sums of money shall be and are hereby charged upon the said sum of fifteen thousand two hundred and ninety-seven pounds, ten shillings, and five-pence farthing, and also upon the several surplusses aforesaid; and shall be paid thereout in every year at such time and times, and in such manner, as the salaries of the said judges now are or have been accustomedly paid.

C A P. LXVI.

An act for granting to his Majesty several additional duties on stamped vellum, parchment, and paper, and for better securing the stamp-duties upon indentures, leases, deeds, and other instruments.

Most gracious Sovereign,

Sheweth

WE, your Majesty's most dutiful and loyal subjects, the commons of *Great Britain*, in parliament assembled, towards raising the necessary supplies which we have freely granted to your Majesty in this session of parliament, have resolved to give and grant to your Majesty the several additional rates and duties herein-after mentioned; and do therefore most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons,

mons, in this present parliament assembled, and by the authority of the same, That, from and after the second day of *August*, one thousand seven hundred and seventy-nine, there shall be raised, levied, collected, and paid, throughout the kingdom of *Great Britain*, unto and for the use of his Majesty, his heirs and successors, the several rates and duties following; (that is to say,) After Aug. 2, 1779, the following additional stamp duties to be paid; *videlicet*,

For every skin or piece of vellum or parchment, or sheet or piece of paper, upon which any probate of a will, or letters of administration for any estate of or above the value of one hundred pounds, shall be ingrossed, written, or printed, an additional stamp-duty of twenty shillings; and a further additional stamp-duty of twenty shillings where the estate is of, or above, the value of three hundred pounds, over and above all other duties now charged thereon :

For every skin or piece of vellum or parchment, or sheet or piece of paper, upon which is ingrossed or written the copy of any will, an additional stamp-duty of one penny :

For every skin or piece of vellum or parchment, or sheet or piece of paper, upon which is ingrossed or written any libel, allegation, deposition, or inventory, exhibited in any ecclesiastical court, the courts of admiralty, and cinque ports, and all copies thereof, an additional stamp-duty of sixpence :

For every piece of vellum or parchment, upon which any writ of covenant for levying fines shall be ingrossed or written, an additional stamp-duty of five shillings :

For every piece of vellum or parchment, upon which any writ of entry for suffering a common recovery shall be ingrossed or written, an additional stamp-duty of five shillings :

For every skin of vellum, upon which is ingrossed or written any exemplification, of what nature soever, that shall pass the seal of any court whatsoever, an additional stamp-duty of five shillings :

For every skin or piece of vellum or parchment, or sheet or piece of paper, upon which any presentation or donation which shall pass the great seal, or upon which any collation to be made by any archbishop or other bishop, or any presentation or donation to be made by any patron whatsoever, of or to any benefice, dignity, or spiritual or ecclesiastical promotion whatsoever, shall be ingrossed or written, an additional stamp-duty of forty shilling ; provided such benefice, dignity, or promotion, shall be of the yearly value of ten pounds, or above, in the King's books :

For every skin or piece of vellum or parchment, or sheet or piece of paper, upon which any dispensation to hold two ecclesiastical dignities or benefices, or both a dignity and a benefice, or any other dispensation or faculty from the lord archbishop of *Canterbury*, or the master of the faculties for the time being, shall be ingrossed or written, an additional stamp-duty of forty shillings :

For every skin of parchment, or sheet of paper, used in the probate of a will, or administering to an estate of 100 l value, 20 s. &c.

For every skin, &c. used in the copy of a will, 1 d

For ditto used in any libel, &c. in any ecclesiastical court, &c. 6 d.

For every piece, &c. used in writs of covenant for levying fines, 5 s.

For ditto used in writs of entry for suffering a common recovery, 5 s.

For every skin of vellum used in any exemplification that shall pass the seal of any court, 5 s.

For every skin, &c. used in any presentation or donation under the great seal, or in any collation, &c. to any ecclesiastical promotion above a certain value, 40 s.

For every

skin, &c. used in any dispensation to hold two benefices, &c. 40 s.

For every skin, &c. used in any drawback of customs, &c. 8 d.

For every skin or piece of vellum or parchment, or sheet or piece of paper, upon which shall be ingrossed, written, or printed, any certificate or debenture for drawing back any customs or duties, or any part of any customs or duties, for or in respect of the reshipping or exporting of any goods or merchandizes, which shall be exported or shipped to be exported from *Great Britain*, for any parts beyond the seas, an additional stamp-duty of eight-pence :

For every piece, &c. used in any bill of lading for exportation, 4 d.

For every piece of vellum or parchment, or sheet or piece of paper, upon which shall be ingrossed, written, or printed, any note or bill of lading, which shall be signed for any goods or merchandizes to be exported, an additional stamp-duty of four-pence.

Probates of the wills, &c. of common seamen or soldiers not chargeable by this act.

II. Provided, That nothing in this act contained shall extend to charge the probate of any will, or letters of administration, of any common seaman or soldier who shall be slain or die in his Majesty's service, a certificate being produced from the captain of the ship or vessel, or captain of the troop or company, under whom such seamen or soldier served at the time of his death, and oath made of the truth thereof before the proper judge or officer by whom such probate or administration ought to be granted, which oath such judge or officer is hereby authorized and required to administer, and for which no fee or reward shall be taken.

The aforesaid duties to be under the management of the commissioners of the stamp-office.

III. And be it further enacted by the authority aforesaid, That for the better and more effectual levying, collecting, and paying, all the said additional duties herein-before granted, the same shall be under the government, care, and management, of the commissioners for the time being appointed to manage the duties charged on stamped vellum, parchment, and paper, who, or the major part of them, are hereby required and empowered to employ the necessary officers under them for that purpose, and to use and provide such stamps to denote the said several duties as shall be requisite in that behalf, and to do all other things necessary to be done for putting this act in execution with relation to the said several rates and duties herein before granted, in the like and in as full and ample manner as they, or the major part of them, are authorized to put in execution any former law concerning stamped vellum, parchment, and paper.

Commissioners may provide one new stamp to denote the several duties granted by different acts.

IV. Provided always, and be it further enacted by the authority aforesaid, That, to prevent the multiplication of stamps upon such pieces of vellum or parchment, or sheets or pieces of paper, on which several duties are by several acts of parliament imposed, it shall and may be lawful for the said commissioners, instead of the distinct stamps directed to be provided to denote the several duties on the vellum, parchment, or paper, charged therewith; to cause, if they shall see occasion, one new stamp to be provided to denote the said several duties, and the duty granted by this act, on every piece of vellum or parchment, or sheet or piece of paper, charged with the said several duties.

V And

V. And be it further enacted by the authority aforesaid, That all vellum, parchment, and paper, liable to the duties hereby charged, shall, before the same shall be ingrossed, printed, or written upon, be brought to the head office for stamping or marking vellum, parchment, or paper; and the said commissioners, by themselves, or by their officers employed under them, shall forthwith, upon demand to them made, by any person or persons, from time to time, stamp or mark, as this act directs, any quantities or parcels of vellum, parchment, or paper, as shall be brought to them for that purpose, the person so bringing the same paying to the receiver general of the stamp duties for the time being, or his deputy or clerk, the several duties payable for the same by virtue of this act.

All vellum, &c. liable to the new duties, shall, before it is ingrossed, &c. be brought to the stamp-office to be stamped.

VI. And be it further enacted by the authority aforesaid, That the same allowance shall be made on present payment of the several duties granted by this act, in such manner as by any former law relating to stamped vellum, parchment, and paper, is directed and allowed;

Usual allowance to be made for present payment.

VII. And be it further enacted by the authority aforesaid, That such stamps, as the said commissioners are hereby directed and authorised to provide and use, shall and may be altered and renewed in such manner as any other stamps on vellum, parchment, or paper, are, by any former law relating to stamped vellum, parchment, or paper, directed to be altered and renewed; and that all persons, who shall have in their custody or possession any vellum, parchment, or paper, marked with the stamp or mark which shall be so altered or renewed, or on which, being already stamped with a stamp denoting any former duty, a new stamp is hereby directed to be impressed, shall have the like remedy and allowance as by any former law relating to stamped vellum, parchment, or paper, is in like cases directed.

Stamps may be altered and renewed, &c.

VIII. And be it further enacted by the authority aforesaid, That if any person shall counterfeit or forge, or procure to be counterfeited or forged, any seal, stamp, or mark, directed or allowed to be used by this or any other act of parliament, for the purpose of denoting the duties by this or any other act of parliament granted, or shall counterfeit or resemble the impression of the same, with an intent to defraud his Majesty, his heirs and successors, of any of the said duties; or shall privately or fraudulently use any seal, stamp, or mark, directed or allowed to be used by this or any other act of parliament relating to the stamp duties, with intent to defraud his Majesty, his heirs and successors, of any of the said duties; every person so offending, and being thereof lawfully convicted, shall be adjudged a felon, and shall suffer death as in cases of felony, without benefit of clergy.

If any person shall counterfeit any seal, stamp, &c. with intent to defraud his Majesty of his duties,

IX. And be it further enacted by the authority aforesaid, That all powers, provisions, articles, clauses, distribution of penalties and forfeitures, and all other matters and things, prescribed or appointed by any former act or acts of parliament relating to the stamp duties on vellum, parchment, and paper, shall be of

such person shall suffer death as a felon.

All powers, distribution of penalties, &c. prescribed by former stamp-acts, to be applied

full

in execution
of this act.

full force and effect with relation to the several duties hereby imposed, and shall be applied and put in execution for the raising, levying, collecting, and securing, the said additional and new duties hereby imposed, according to the true intent and meaning of this act, as fully, to all intents and purposes, as if the same had severally and respectively been hereby enacted with relation to the said additional and new duties hereby imposed.

Receiver general to keep a separate account of the duties granted by this act, and to pay the same into the exchequer.

X. And be it further enacted by the authority aforesaid, That the several duties herein-before granted shall be paid, from time to time into the hands of the receiver-general for the time being of the duties on stamped vellum, parchment, and paper, who shall keep a separate and distinct account of the several rates and duties, and pay the same (the necessary charges of raising, paying, and accounting for the same, being deducted) into the receipt of the exchequer, for the uses and purposes in this act mentioned, at such time, and in such manner, as any former duties on stamped vellum, parchment, or paper, are directed to be paid.

Auditor of the exchequer to keep a separate account

XI. And be it further enacted by the authority aforesaid; That there shall be provided and kept, in the office of the auditor of the said receipt of exchequer, a book or books, in which all the monies arising from the said several rates and duties, and paid into the said receipt as aforesaid, shall be entered separate and apart from all other monies paid and payable to his Majesty, his heirs and successors, upon any account whatsoever; and the said money, so paid into the said receipt of exchequer as aforesaid, shall, together with such other rates, duties, and revenues, as shall be granted by any act or acts of this session of parliament for this purpose, be a fund for the payment of the several annuities, and all such other charges and expences as are directed to be paid and payable pursuant to an act of this present session of parliament, intituled, *An act for raising a certain sum of money by way of annuities, and for establishing a lottery,*

of all application thereof.

Preamble; reciting that certain persons have lately ingrossed more than the usual quantity in a skin of parchment, to the diminution of the stamp-

XII. And whereas, by the several laws now in force, in order to prevent his Majesty his heirs or successors, from being defrauded of any of the duties charged upon vellum, parchment, and paper, it is enacted, That all records, writs, pleadings, or other proceedings, in courts of law and equity, and all deeds, instruments, and writings whatsoever, charged with the stamp-duties, shall be ingrossed or written in such manner as they have been usually accustomed to be written, and whereas, till the last stamp-duties were imposed, it was the general practice to insert in one skin of parchment twelve chancery sheets, containing ninety words in each sheet, or fifteen common law sheets, containing seventy-two words in each sheet, and the same has been held a fair and reasonable quantity to be ingrossed and written in and upon each skin of parchment, and that the usual charge for drawing and ingrossing the same, might, upon any costs to be taxed, be fairly and equitably allowed: and whereas several persons, in injury to his Majesty's revenue of stamps, insert in one skin of parchment the contents of a greater quantity of sheets than the quantity of chancery, or common

mon law sheets above specified, and charge their clients or employers double or treble the sum for drawing and ingrossing such skins, calling the same double and treble skins, and pretending that they insert twice or three times as much in quantity as they are obliged to do; and that, upon a taxation, they would be allowed as much as they have charged, reckoning the same by the number of sheets, by which means the client or employer, instead of judging of such charge by the number of skins, is liable to be imposed upon, and the revenue of stamps materially injured and diminished, be it therefore further enacted by the authority aforesaid, That, from and after the passing of this act, all attornies, solicitors, or other persons, shall make their several charges, at and after the known and usual rates, upon their client or employer, by the number of skins they shall so ingross or write, and not otherwise; and that if any attorney, solicitor, or other person, shall, for the writing or ingrossing one skin of parchment only, charge any client or employer for double or treble skins, or for more than one skin, making his charge by the sheet, or in any other manner than by the skin, under pretence of having inserted in such one skin or parchment a greater number of sheets than what they are obliged to do, or than what is usually done, or under any pretence whatsoever, such charge shall not be payable by the client; and further that every attorney, solicitor, or other person, shall, for every such charge so made or demanded, forfeit and pay the sum of ten pounds, with treble costs of suit, to any person or persons who shall inform or sue for the same, in any court of record, by action of debt, bill, plaint, or information, wherein no essoin, protection, or wager of law shall be allowed.

XIII. Provided always, That nothing in this act contained shall extend, or be construed to extend, to the charge to be made for the ingrossing any deed, the whole contents of which shall not amount to the quantity or number of sheets to be contained in two skins, reckoning the quantity in each skin according to the number of sheets above specified.

XIV. And be it further enacted by the authority aforesaid, That if any person or persons shall, at any time or times, be sued, molested, or prosecuted, for any thing by him or them done or executed in pursuance of this act, or of any clause, matter, or thing, herein contained, such person or persons shall and may plead the general issue, and give the special matter in evidence, for his or their defence; and if upon the trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, then such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs.

Attornies, &c. to charge their clients by the number of skins they ingross, according to the usual rates.

Double or treble charges not payable;

but subject the person making the same to the forfeiture of 10*l*.

The above clause not to extend to the charge for any deed, the whole of which shall not amount to the usual quantity contained in two skins.

Persons sued for any thing done in pursuance of this act, may plead the general issue; and recover treble costs.

C A P. LXVII.

An act for the encouragement of seamen, and the more speedy and effectual manning his Majesty's Navy.

Preambl

WHEREAS his Majesty, by order in council, dated the twenty-ninth day of July, one thousand seven hundred and seventy-eight, was pleased to order that general reprisals be granted against the ships, goods, and subjects of the French King; and that as well all his Majesty's fleets and ships, as also all other ships and vessels that shall be commissioned, by letters of marque or general reprisals, or otherwise by his Majesty's commissioners for executing the office of lord high admiral of Great Britain, shall and may lawfully seize all ships, vessels, and goods, belonging to the French King, or his subjects, or others inhabiting within any the territories of the French King, and bring the same to judgement in any of the courts of admiralty within his Majesty's dominions; now, for the encouragement of the officers and seamen of his Majesty's ships of war, and the officers and seamen of all other British ships and vessels having commissions and letters of marque, and for inducing all British seamen who may be in any foreign service to return into this kingdom, and become serviceable to his Majesty, and for the more effectual securing and extending the trade of his Majesty's subjects; he it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the flag officers, commanders, and other officers, seamen, marines, and soldiers, on board every ship and vessel of war in his Majesty's pay, shall have the sole interest and property of and in all and every ship, vessel, goods, and merchandizes, which they have taken since the twenty-ninth day of July, one thousand seven hundred and seventy-eight, or shall hereafter take during the continuance of hostilities against France, after the same shall have been finally adjudged lawful prize to his Majesty, in any of his Majesty's courts or admiralty in Great Britain, or in his Majesty's plantations in America, or elsewhere; to be divided in such proportions, and after such manner, as his Majesty hath, by his proclamation of the sixteenth day of September last, already ordered and directed, or as his Majesty, his heirs and successors, shall think fit to order and direct, by proclamation or proclamations hereafter to be issued for those purposes.

Prize made by the King's ships to be divided between the captors.

In the proportions by his Majesty already ordered, or to be hereafter ordered, by proclamation

Admiralty to issue commissions to privateers, on the owners giving proper security.

II. And be it further enacted by the authority aforesaid, That the lord high admiral of Great Britain, or the commissioners for executing the office of lord high admiral of Great Britain for the time being, or any three or more of them, or any person or persons by him or them impowered and appointed, shall, at the request of any owner or owners of any ship or vessel, giving such bail and security as is herein-after mentioned and expressed, cause to be issued forth in the usual manner one or more commission or commissions to any person or persons whom such owner or owners shall nominate to be commander, or, in case of

death

death, successively commanders of such ship or vessel, for the attacking, surprizing, seizing, and taking, by and with such ship or vessel, or with the crew thereof, any place or fortrefs upon the land, or any ship or vessel, goods, ammunition, arms, stores of war, or merchandize, belonging to or possessed by any of his Majesty's enemies, upon the land, or in any sea, creek, haven, or river; and that such ship or ships, vessel or vessels, or any arms, ammunition, stores of war, goods, and merchandizes whatsoever, with all their furniture, tackle, and apparel, so to be taken by or with such private ship or vessel, according to such commission or commissions, after final adjudication as lawful prize in any of his Majesty's courts of admiralty as aforesaid, and not before, shall wholly and entirely belong to and be divided between and among the owner and owners of such ship or vessel, and the several persons who shall be on board the same, and be aiding and assisting to the taking thereof, in such shares and proportions as shall be agreed upon with the owner or owners of such ship or vessel as shall be the captor thereof, their agents or factors, as the proper goods and chattels of such owner or owners, and the persons who shall be intitled thereto by virtue of such agreements among themselves; and that neither his Majesty, his heirs or successors, or any admiral, vice-admiral, governor, or other person, commissioned by or claiming under his Majesty, his heirs or successors, or any person or persons whatsoever, other than the owner or owners of such ship or vessel, being the captor of such prize, ship, or vessel, arms, ammunition, stores of war, goods, and merchandizes, and the persons claiming under him or them, shall be intitled to any part or share thereof, (except as to the customs and duties payable by any act or acts of parliament:) any custom, statute, or other law, to the contrary notwithstanding.

Prizes made by such commissioned ships to be divided between the owners and captors, according to private contract.

III. Provided always, That nothing in this act contained shall intitle any ship having a commission, and which shall receive orders from, and put herself under the convoy of any of his Majesty's ships or vessels, to share in any prize or prizes taken by such convoy, or by such ship having a commission, whilst the said commissioned ship shall remain under the care and protection of such convoy.

No commissioned ship to have share in any prize while she is under convoy.

IV. And be it enacted by the authority aforesaid, That all prize ships or vessels which shall be legally condemned, shall, to all intents and purposes whatsoever, be considered as British-built ships or vessels, and be deemed and taken as such, and shall be entitled to have and enjoy all and every the same rights, liberties, privileges, and advantages, in all respects whatsoever, with British-built ships or vessels, and shall be subject and liable to all and every the rules and regulations that British-built ships or vessels are subject and liable to; any law, custom, or usage, to the contrary thereof in any wise notwithstanding.

All prize ships legally condemned shall be deemed British built ships.

V. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the lord high admiral of Great Britain, or the commissioners for executing the office of

Admiralty may revoke commissions granted to lord Privateers.

lord high admiral of *Great Britain* for the time being, or any three or more of them, at any time or times hereafter, to revoke and make void, by any order or orders, in writing under his or their hand or hands, any commission or commissions which hath, have been, or shall be issued forth to any person or persons who hath, have been, or shall be nominated commander or commanders of any ship or vessel, either in pursuance of his Majesty's aforesaid order in council, or this present act.

Secretary of the admiralty to give notice of such revocation to the owners, &c.;

VI. Provided nevertheless, That the secretary of the admiralty for the time being shall, with all convenient speed after any and every such commission shall be so revoked, cause notice thereof in writing to be forthwith sent to the owner or owners, or agent or agents, or surety or sureties, or some one of them, of the ship or vessel named or described in such order of revocation; and in case such ship or vessel shall be in the channel, the said order of revocation shall be effectual to supersede and annul the said commission at the expiration of twenty days from and after such notice given as aforesaid, or sooner, if notice shall be actually given in writing, by the secretary of the admiralty, to the captain or commander thereof; and in case such ship or vessel shall be in the northern seas, at the expiration of thirty days; and in case such ship or vessel shall be to the southward of *Cape Finisferre*, or in the *Mediterranean*, at the expiration of six weeks; and in case such ship or vessel shall be in *North America*, or the *West Indies*, at the expiration of three months; and in case such ship or vessel shall be in the *East Indies*, at the expiration of six months: and any commander or commanders, owner or owners, agent or agents, surety or sureties, of any such ship or vessel, whereof such commission or commissions, issued or to be issued forth as aforesaid, shall be so revoked, may complain thereof to his Majesty in council, within thirty days next after the secretary of the admiralty for the time being shall cause notice thereof to be given as aforesaid, and the determination of his Majesty in council touching every such complaint shall be final.

who may complain thereof to his Majesty in council.

When any order of revocation shall be superseded, commission shall be deemed to have continued in force.

Provido.

VII. Provided always, That in case any such order of revocation shall be superseded, such commission shall be deemed and taken to have continued in force; and all prizes taken by virtue thereof shall belong to and be the property of such owners and captors, in such manner as the same would have been in case such order of revocation had not been made.

VIII. Provided also, That no person shall be liable to be punished for doing, before he shall have received personal notice of such order of revocation, any matter or thing which he might have lawfully done under the authority of such commission, in case such order of revocation had not been made.

Bail, &c. to be taken before granting any commission.

IX. And be it further enacted by the authority aforesaid, That, before the granting or issuing of any commission in pursuance of this act, such bail and security shall be taken as have been usual upon the granting or issuing of commissions for private ships of war; and that, previous to the taking of such bail and

and security, the persons who propose to be bound and give such security, shall severally make oath, before the judge of the high court of admiralty of *England*, or judge of any vice-admiralty court in his Majesty's colonies or plantations, or his surrogate, or other person or persons by such judge or surrogate lawfully commissioned, that, at the time of their being sworn, they are respectively worth more money than the sum for which they are then to be bound, over and above all their just debts; and moreover the marshal of the said high court of admiralty, or any vice-admiralty court in his Majesty's colonies or plantations, for the time being, or his deputy, or the person or persons so commissioned as aforesaid, is or are hereby required and directed to make diligent enquiry into, and satisfy himself or themselves of the sufficiency of such bail and security, and make a report thereof to the said judge, or his surrogate, before any such commission shall be granted or issued.

X. And be it further enacted by the authority aforesaid, That all and every person and persons, who shall apply to the said lord high admiral, or commissioners for executing the office of lord high admiral for the time being, or any person or persons by him or them impowered and appointed, in order to obtain any commission to be granted or issued forth in pursuance of this act, shall make every such application in writing; and therein set forth a particular, true, and exact description of the ship or vessel for which such commission is requested, specifying the burthen of such ship or vessel, and the number and nature of the guns on board the same, to what place belonging, and the name or names of the principal owner or owners of such ship or vessel, and the number of men intended to be put on board the same; (all which particulars shall be inserted in every commission to be granted or issued in pursuance of this act;) and that every commander of a private ship or vessel of war, for which a commission shall be granted or issued in pursuance of this act, shall produce such commission to the collector, customer, or searcher for the time being, of his Majesty's customs, residing at or belonging to the port from whence such ship or vessel shall be first fitted out, or to the lawful deputy or deputies of such collector, customer or searcher; and the said collector, customer, searcher, or his or their lawful deputy or deputies, shall, as soon thereafter as conveniently may be, without fee or reward, inspect and examine such ship or vessel so as to ascertain the burthen thereof, and the number of men, and number and nature of the guns on board the same; and if such ship or vessel shall thereupon be found to be of such burthen, and be manned and armed according to the tenor of the description inserted in such commission as aforesaid, or be of a greater burthen or force than shall be mentioned in such commission, then such collector, customer, or searcher, or his or their lawful deputy or deputies, shall, and he and they is and are hereby required immediately, upon the request of the commander of such ship or vessel, to give a certificate thereof, in writing under

All persons applying for any commission, to set forth in writing an exact description of the vessel, its cargo, number of guns, &c.

Commanders of commissioned ships to produce their commissions to the collector, &c. of the customs;

who are to examine such ships;

and if found agreeable to the description, to grant a certificate thereof.

Penalty on
commander
leaving port
without a cer-
tificate, &c.

his or their hand or hands, gratis, to such commander; which certificate shall be deemed a necessary clearance before such private ship or vessel shall be permitted to sail from that port: and if the commander of any ship or vessel, for which any commission shall have been granted or issued in pursuance of this act, shall depart with such ship or vessel from such port of clearance before he hath received such certificate, or shall depart from any such port, or proceed upon a cruize, with a force inferior to the force specified in such commission, or required by this act, in every such case the commission for such ship or vessel shall from thenceforth be absolutely null and void, and the commander so offending, being convicted thereof before any court of admiralty, shall be imprisoned, without bail or main-prize, for such space of time as the said court shall direct, not exceeding one year for any one offence.

Penalty on
collector, cus-
tomer, &c. for
granting a
false certi-
cate

XI. And be it further enacted by the authority aforesaid, That if any collector, customer, or searcher, of his Majesty's customs, or his or their lawful deputy or deputies, shall grant a certificate for any ship or vessel which shall not be of the burthen and force specified in the commission granted to the commander or commanders thereof, or of a greater burthen or force than shall be mentioned in such commission, he shall, for such offence, forfeit his said office, and be for ever after incapable of holding any office in the customs; and shall also forfeit the sum of one hundred pounds, to be recovered, by any person or persons who will sue for the same, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, in which no essoin, protection, wager of law, or more than one imparlance, shall be allowed; and one moiety of the said penalty of one hundred pounds, when recovered, shall be paid to the informer or informers, and the other moiety to the treasurer for the time being to the corporation for the relief and support of sick, maimed, and disabled seamen, and of the widows and children of such as shall be killed, slain, or drowned, in the merchants service, for the use of such corporation; or where such forfeitures shall be incurred in any of the out-ports in which a corporation is established, or shall hereafter be established, for the purposes aforesaid, then a moiety of such penalty shall be paid to the trustees for the use of the corporation so established.

• Proviso for as-
certaining the
tonnage.

XII. Provided always, That the number of tons so to be certified, be ascertained according to the rules laid down by an act passed in the eighth year of the reign of her late majesty Queen Anne, intituled, *An act for making a convenient dock, or basin at Liverpool, for the security of all ships trading to or from the said port of Liverpool.*

the com-
mander of a
commissioned
ship shall agree
with any per-
son belonging
to any prize
taken, for the

XIII. And be it further enacted by the authority aforesaid, That in case at any time or times any commander or commanders of any private ship or ships, or vessel or vessels of war, commissioned as aforesaid, shall agree with the commander or commanders, or other person or persons, of or belonging to any neutral ship or ships, vessel or vessels, for the ran-
son.

from of any such neutral or other ship or ships, vessel or vessels, or the respective cargo or cargoes thereof, or any part thereof, after the same shall have been taken as prize, and shall, in pursuance of such agreement or agreements, actually quit, set at liberty, or discharge, any such prize or prizes, instead of bringing the same into some port or ports belonging to his Majesty's dominions; that then all and every of the commander and commanders of such private ship or ships, or vessel or vessels of war, who shall agree for any such ransom, and shall quit, set at liberty, or discharge, any such prize or prizes in manner aforesaid, shall be deemed, adjudged, and taken to be, guilty of piracy, felony, and robbery; and he, they, and every of them, being duly convicted thereof before any court of admiralty, shall have and suffer such pains of death, loss of lands, goods, and chattels, as pirates, felons, and robbers upon the seas, ought to have and suffer according to the laws now in being.

ransom thereof, &c.

he shall be deemed a pirate, and suffer accordingly.

XIV. *And whereas, in all private ships of war or merchant ships that shall take out letters of marque, it is expedient, for the better discipline and government of such ships, that all persons who enter themselves on board the said ships should be under proper regulations, and pay obedience to the lawful commands of the captains and chief commanders of the said ships;* be it therefore enacted by the authority aforesaid, That all offences committed by any officer or seaman on board any privateer or merchant ship, having taken letter of marque, during the present hostilities with France, shall be punished in such manner as the like offences are punishable on board his Majesty's ships of war.

Offences on board privateers punishable in the same manner as on board ships of War.

XV. Provided always, That all offenders who shall be accused of such crimes as are cognizable only by a court martial, shall be confined on board such privateer or merchant ship carrying letter of marque, on which such offence shall be committed, until they shall arrive in some port in Great Britain or Ireland, or can meet with such a number of his Majesty's ships of war abroad as are sufficient to make a court-martial; and upon application made, by the commander of such privateer or merchant ship carrying letter of marque, to the lord high admiral of Great Britain, or commissioners for executing the office of lord high admiral of Great Britain, for the time being, or the commander in chief of his Majesty's said ships of war abroad, the said lord high admiral, or commissioners for executing the office of lord high admiral of Great Britain for the time being, or any three or more of them, or such commander in chief abroad, are hereby authorized and required to call a court-martial for trying and punishing the said offences.

Offenders accused of crimes cognizable only by a court-martial, to be confined on board, &c.

XVI. *And whereas good and necessary laws have been made, and are still in force, within several of his Majesty's colonies or plantations in America, for preventing the carrying off from the said colonies or plantations any servant or slave without the consent of the owner; or the carrying off from thence any other person or persons whomsoever, until such person shall have taken out his ticket from the secretary's office*

Privateers subject to the laws and regulations established in British colonies in going into the ports there.

within such respective colony or plantation, in such manner, and under such penalties and forfeitures, as in and by the said several laws is declared and provided; be it therefore further enacted by the authority aforesaid, That all commanders of private ships of war or merchant ships, having letters of marque, shall, upon their going into any of those ports or harbours, be subject, and they are hereby determined to be subject, to the several directions, provisions, penalties, and forfeitures, in and by such laws made and provided, any thing in this act contained to the contrary thereof in any wise notwithstanding.

Judge to finish the preparatory examination with respect to the captures within 5 days.

Monition to be issued and executed in 3 days after requested.

If no claim thereupon be made within a limited time, or security given by the claimant,

the judge to proceed forthwith to sentence.

If claim be entered and security given, and witnesses be near, examination, &c. to be had and made within 20 days.

XVII. And, for the more speedy proceeding to condemnation, or other determination, of any prize, ship, or vessel, goods or merchandizes, already taken, or hereafter to be taken, as aforesaid, and for lessening the expences that have been usual in the like cases, be it further enacted by the authority aforesaid, That the judge or judges of any court of admiralty, or other person or persons thereto authorised, shall, within the space of five days after request to him or them for that purpose made, finish the usual preparatory examination of the persons commonly examined in such cases, in order to prove the capture to be lawful prize, or to enquire whether the same be lawful prize or not; and that the proper monition usual in such cases shall be issued, by the person or persons proper to issue the same, and shall be executed in the usual manner, by the person or persons proper to execute the same, within the space of three days after request in that behalf made; and in case no claim of such capture, ship, vessel, or goods, shall be duly entered or made in the usual form, and attested upon oath, giving twenty days notice after the execution of such monition, or if there be such claim, and the claimant or claimants shall not, within five days, give sufficient security (to be approved of by such court of admiralty) to pay double costs to the captor or captors of such ship, vessel, or goods, in case the same so claimed shall be adjudged lawful prize; that then the judge or judges of such court of admiralty shall, upon producing to him or them the said examinations, or copies thereof, and upon producing to him or them, upon oath, all papers and writings which shall have been found, taken in or with such capture; or upon oath made that no papers or writings were found; immediately, and without further delay, proceed to sentence, either to discharge and acquit such capture, or to adjudge and condemn the same as lawful prize, according as the case shall appear to him or them, upon perusal of such preparatory examinations, and also of the other papers and writings found, taken in or with such capture, if any papers or writings shall be found; and in case such claim shall be duly entered or made, and security given thereupon, according to the tenor and true meaning of this act, and there shall appear no occasion to examine any witnesses other than those who shall be then near to such court of admiralty, that then such judge or judges shall forthwith cause such witnesses to be examined within the space of ten days after such claim

claim made and security given, and proceed to such sentence as aforesaid touching such capture; but in case upon making or entering such claim, and the allegation and the oath thereupon, or the producing such papers or writings as shall have been found or taken in or with such capture, or upon the said preparatory examinations, it shall appear doubtful to the judge or judges of such court of admiralty, whether such capture be lawful prize or not, and it shall appear necessary, according to the circumstances of the case, for the clearing and determining such doubt, to have an examination, upon pleadings given in by the parties, and admitted by the judge, of witnesses that are remote from such court of admiralty, and such examination shall be desired, and that it be still insisted, on behalf of the captors, that the said capture is lawful prize, and the contrary be still persisted in on the claimants behalf, that then the said judge or judges shall forthwith cause such capture to be appraised by persons to be named by the parties, and appointed by the court, and sworn truly to appraise the same according to the best of their skill and knowledge; for which purpose, the said judge or judges shall cause the goods found on board to be unladen, and (an inventory thereof being first taken, if the judge or judges shall think necessary, by the marshal of the admiralty, or his deputy) shall cause them to be put into proper warehouses, with separate locks of the collector and comptroller, of the customs, and where there is no comptroller, of the naval officer, and the agents or persons employed by the captors and claimants, at the charge of the party or parties desiring the same; and shall, after such appraisement made, and within the space of fourteen days after the making of such claim, proceed to take good and sufficient security from the claimants to pay the captors the full value thereof, according to such appraisement, in case the same shall be adjudged lawful prize; and shall also proceed to take good and sufficient security from the captors to pay such costs as the court shall think proper, in case such ship shall not be condemned as lawful prize; and after such securities duly given, the said judge or judges shall make an interlocutory order for releasing or delivering the same to such claimant or claimants, or his or their agents, and the same shall be actually released or delivered accordingly.

XVIII. And it is hereby further enacted by the authority aforesaid, That if any claimant or claimants shall refuse to give such security, the judge or judges shall cause the captor or captors in like manner to give good and sufficient security to pay the said claimant or claimants the full value thereof, according to the appraisement, in case any such capture or captures shall be adjudged not to be lawful prize; and the said judge or judges shall thereupon proceed to make an interlocutory order for the releasing and delivering the same to the said captor or captors, or their agents.

XIX. Provided always, That nothing in this act contained shall be construed to restrain his Majesty, his heirs and successors,

If the legality of the capture shall appear doubtful, and the parties persist in litigating their right,

the judge shall order the capture to be appraised,

and the goods to be unloaded and lodged in ware houses, and an inventory taken thereof;

and upon security for full value taken of the claimants,

and for costs of the captors,

shall make order for release of the capture to claimant.

Claimant refusing, and captor giving such security,

judge to make order for delivery of prize to captor.

His Majesty may give such further rules

and directions
to the courts
of admiralty
as he shall
judge proper.

and from giving such further rules and directions to his respective courts of admiralty for the adjudication and condemnation of prizes, as by his Majesty, his heirs and successors, with the advice of his or their privy council, shall be thought necessary or proper.

Captures
made in Ame-
rica to be un-
der the joint
care of the
officers of the
customs and
captors, till
condemned or
acquitted
there.

XX. And be it further enacted by the authority aforesaid, That all such captures as aforesaid, which shall be brought into any of his Majesty's dominions in *America*, in order to be proceeded against to condemnation in any of his Majesty's vice-admiralty courts, shall, without breaking bulk, stay there, and be under the joint care and custody of the collector and comptroller of the customs, or, where there is no comptroller, of the naval officers of the port or place where the same shall be brought, and of the captors thereof, or their agents; subject to the directions of the court of vice-admiralty, until the same shall, by final sentence, have been either cleared and discharged, or adjudged and condemned as lawful prize, or that such interlocutory order as aforesaid shall have been made for the releasing or delivering of the same; and, upon the condemnation or adjudication thereof as lawful prize, shall, in case the same were taken by any private ship or ships commissioned as aforesaid, be immediately delivered unto the captors thereof, or their agents, to be by them disposed of as their goods and chattels; and in case the same were taken by any of his Majesty's ships of war, unto such person or persons, and to be disposed of and divided as his Majesty by his proclamation hath already ordered and directed, or his Majesty, his heirs and successors, shall, by proclamation or proclamations hereafter to be issued for those purposes, order and direct.

Upon con-
demnation,
prize to be
delivered to
the captors.

Books and
writings found
on board a y
prize, how to
be disposed of

XXI. And be it further enacted by the authority aforesaid, That all books, papers, and writings, found in any ship or vessel taken as prize, shall without delay be brought into the registry of the court of admiralty wherein such ship or vessel may be proceeded against in order to condemnation; but that such only of the said books, papers, and writings, shall be made use of and translated as shall be agreed or insisted upon by the proctors of the several parties, captors or claimants, or, in case of no claim, by the captor or register, to be necessary for ascertaining the property of such ship or vessel, and cargo thereof.

Judge, or
other officer,
in America,
&c. guilty of
neglect or de-
lay in execut-
ing his duty,

XXII. And be it further enacted by the authority aforesaid, That if any judge or judges, or other officer or officers, in any of his Majesty's plantations or dominions abroad, to whom respectively it shall appertain, shall delay the doing, performing, making, or pronouncing, any of the several proceedings, matters, or things, for, towards or relating to, condemning or discharging, releasing or delivering, of any such capture in manner aforesaid, within the respective times herein-before limited, or as soon as the same, or any of them, ought to be done, according to the tenor and true meaning of this act; all and every such judge and judges, and other officer and officers, shall,

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shall, for every such offence, forfeit the sum of five hundred pounds; one moiety thereof to his Majesty, his heirs and successors, and the other moiety thereof, with full costs of suit, to such person or persons who shall inform or sue for the same in any of the courts in or for any of his Majesty's colonies or plantations, or in any of his Majesty's courts of record within his kingdom of *Great Britain*.

with full costs of suit.

XXIII. And be it further enacted by the authority aforesaid, That there shall not be paid, unto or among all the judges and officers of such court of admiralty in any of his Majesty's plantations or dominions abroad, for, towards, or relating to, the adjudging or condemning of such capture as aforesaid as lawful prize, above the sum of ten pounds, in case such prize, ship, or vessel, be under the burthen of one hundred tons; nor above the sum of fifteen pounds, in case the same be of that or any greater burthen; and that upon payment of either of the said respective sums, as the case shall require, to the said judge or judges, or any of them, to be by him or them disposed or divided, as he or they shall think fit, among the officers of such court, such judges and officers, and every of them, shall be liable to all and every the several penalties hereby imposed for neglecting or delaying to do and perform their several and respective duties or offices, in and relating to the several proceedings aforesaid, within the respective times herein for that purpose limited.

Fees of court on condemnation of Prizes in America, &c.

for vessels under 100 tons, 10/.

for all above, 15/.

Upon payment of the fees, judges, &c. liable to the above penalties for neglect or delay of duty.

XXIV. Provided nevertheless, and it is hereby further enacted by the authority aforesaid, That if any captor or captors, claimant or claimants, shall not rest satisfied with the sentence given in such court of admiralty in any of his Majesty's plantations or dominions abroad, it shall and may be lawful for the party or parties thereby aggrieved, to appeal from the said court of admiralty to the commissioners appointed, or to be appointed, under the great seal of *Great Britain*, for receiving, hearing, and determining, appeals in causes of prizes; such appeal to be interposed and received in the like manner as appeals have been usually interposed and received from the high court of admiralty within this kingdom; so as the same be made within fourteen days after sentence, and good security be likewise given by the appellant or appellants, that he or they will effectually prosecute such appeal, and answer the condemnation, and also pay treble costs, as shall be awarded, in case the sentence of such court of admiralty be affirmed; any thing in this act before contained to the contrary hereof in any wise notwithstanding.

Judgement of the court may be appealed from.

Appeal to be made within 14 days after sentence, and security to be given to prosecute the same, &c.

XXV. Provided always, That the execution of any sentence so appealed from as aforesaid, shall not be suspended by reason of such appeal, in case the party or parties appellate shall give sufficient security, to be approved of by the court in which such sentence shall be given, to restore the ship, vessel, goods, or effects, concerning which such sentence shall be pronounced, or the full value thereof, to the appellant or appellants, in case the sentence so appealed from shall be reversed.

Execution of sentence not to be suspended thereupon, if the appellate give security for vessels &c. or value.

XXVI. And

Person, who was not a party in the first instance, interposing an appeal, is to enter his claim at the same time.

In case of appeal, the judge may, at the request, &c. of the captor or claimant, order the capture to be appraised;

and deliver it to either party who shall give security for the full value thereof.

In case of objection to taking security, the judge shall at either party request it, or order the effects to be sold by auction, &c.

Produce of the sale to be deposited in the bank, &c.

Penalty on every judge, register, or other officer belonging to any court of admiralty, who shall be interested in any privateer.

XXVI. And be it enacted, That in case any person, who was not a party in the first instance of the cause, shall interpose an appeal from a sentence given in any admiralty court, such person, or his or her agent, shall at the same time enter his or her claim, otherwise such appeal shall be null and void.

XXVII. And be it further enacted by the authority aforesaid, That in case any appeal shall be interposed from a sentence given in any admiralty court concerning any ship, vessel, or goods and effects, which have been, or now are, or shall hereafter be seized or taken as prize, that then and in such case the judge of such court of admiralty shall and may, at the request, costs, and charges, either of the captor or claimant, or of the claimant only, in cases where the privilege is reserved in favour of the claimant, by any treaty or treaties subsisting between his Majesty and foreign powers, make an order to have such capture appraised, unless the parties shall otherwise agree upon the value thereof, and an inventory taken, and then take security for the full value thereof accordingly; and thereupon cause such capture to be delivered to the party giving such security, in like manner as is herein-before enacted, notwithstanding such appeal: and if there shall be any difficulty or sufficient objection to the giving or taking of security, the said judge shall, at the request of either of the parties, order such goods and effects to be entered, landed, and sold by publick auction, under the care and custody of the proper officers of the customs, and under the direction and inspection of such persons as shall be appointed by the claimants and captors; and the monies arising by such sale shall be deposited in the bank of *England*, or in some publick securities, and in the names of such trustees as the captors and claimants shall jointly appoint, and the court shall approve, for the use and benefit of the parties who shall be adjudged to be intitled thereto; and if such security shall be given by the claimants, then it is hereby also enacted, that such judge shall give to such captured ship or vessel a pass, to prevent its being taken again by his Majesty's subjects in its destined voyage.

XXVIII. And be it further enacted by the authority aforesaid, That no judge, register, or deputy register, marshal, or deputy marshal, or any other officer whatsoever, of or belonging to any court of admiralty, or vice-admiralty, in *Great Britain* or *Ireland*, or in any of his Majesty's colonies and plantations in *America*, or in any other of his Majesty's dominions, nor any person or persons practising either as advocate, proctor, or otherwise, in any such court or courts, shall be concerned or interested, directly or indirectly, as owner, part-owner, sharer, or adventurer, in any private ship or ships, or vessel or vessels of war whatsoever, having any commission or commissions as aforesaid; and in case any such judge, register, deputy register, marshal, deputy marshal, or other officer, advocate, or proctor whatsoever, shall, notwithstanding this act, be directly or indirectly concerned or interested as aforesaid, such judge, register, deputy register, or marshal, deputy marshal, or other officer re-
spectively

respectively, shall, for such offence, (being thereof lawfully convicted, either upon information or indictment in any of his Majesty's courts of record, or at any general or quarter session of the peace), absolutely forfeit his office and employment in and belonging to any such court of admiralty, or vice-admiralty, of what kind or nature soever such office or employment may happen to be, and shall also forfeit and pay, to the use of his Majesty, his heirs and successors, the sum of one hundred pounds; and every such advocate or proctor respectively shall, for such last-mentioned offence, (being thereof lawfully convicted in manner aforesaid), be from thenceforth absolutely disqualified, and rendered for ever incapable of practising, either as an advocate or proctor, in any of his Majesty's courts of admiralty or vice-admiralty wheresoever.

XXIX. And be it further enacted by the authority aforesaid, That no register or deputy register, or any marshal, or deputy marshal, of or belonging to any of his Majesty's courts of admiralty, or vice-admiralty, whatsoever, shall either directly or indirectly, by himself or themselves, or by any agent or agents, or other person or persons whatsoever, act or be concerned in any manner, either as an advocate or proctor, in any cause, matter or business whatsoever, that shall be depending in any such court or courts of admiralty, or vice admiralty, to which such register, deputy register, marshal, or deputy marshal, shall then belong; and that every register, deputy register, marshal, or deputy marshal, who shall be guilty of such offence, (being thereof lawfully convicted, either upon an information or indictment, in manner aforesaid), shall from thenceforth absolutely forfeit his respective office and employment of register, deputy register, marshal, or deputy marshal, in and belonging to the same court.

If any register, marshal, &c. belonging to any court of admiralty, shall act as proctor therein,

he shall forfeit his office.

XXX. And be it further enacted by the authority aforesaid, That if any commander or commanders, officer or officers, seamen, marines, soldiers, or others, shall break bulk on board, or embezzle any of the money, jewels, plate, goods, merchandize, tackle, furniture, or apparel, of or belonging to any prize, or prizes, such commander, officer, seaman, marine, soldier, or others, shall forfeit treble the value of all such money, jewels, plate, goods, merchandize, tackle, furniture, or apparel, as he or they shall embezzle; one third part thereof to be to the use of *Greenwich Hospital*, and the other two third parts thereof to him or them that will sue for the same, by action of debt, plaint, or information, in any court of record in *Great Britain*; in which no essoin, protection, or wager of law, or more than one imparlance, shall be allowed.

Captors breaking bulk, or embezzling the effects, to forfeit treble value; one third to *Greenwich Hospital*, and the other two to the prosecutor.

XXXI. And be it further enacted by the authority aforesaid, That all appraisements and sales of any ship or ships, goods, wares, or merchandizes, as shall be taken by any of his Majesty's ships of war, shall be made by agents or persons nominated and appointed, in equal numbers, by the flag officers or flag officer, captains or captain, officers or officer, ships' companies

Appraisements and sales of prizes taken by the King's ships, to be made by the agent for the officers

and crews
concerned in
the capture.

panies or ship's company, and others, intituled thereunto; (that is to say), that if the flag officers or flag officer of any fleet or squadron of ships, as shall take any such prize or prizes, (or the majority of such flag officers, if more than one), shall nominate and appoint one or more person or persons agent or agents to sell or appraise the same, as aforesaid, then the captains and commanders, or captain and commander, intituled thereunto, or the majority of them, (if more than one), shall nominate and appoint the like number of persons or agents to act for them; and all the other officers, under the degree of a captain and commander, intituled thereto, or the major part of them, shall also nominate and appoint the like number of persons or agents to act for them; and all the crews of the several ships companies of the fleet or squadron, or ship's company, and others, intituled thereto, or the major part of them, shall likewise nominate and appoint the same number of persons or agents to act on their behalf in such appraisement or sale.

The above
clause not to
extend to pri-
vateers.

XXXII. Provided, That nothing herein contained shall extend, or be construed to alter or make void any agreement or agreements made, or to be made, in writing, between the owners, officers, and seamen, of any private ships or vessels of war.

Agents to ex-
hibit and re-
gister, within a
limited time,
their letters of
attorney in the
court where
the prize shall
be condemn-
ed, on penalty
of 500 l.

XXXIII. And be it further enacted by the authority aforesaid, That all and every person or persons who shall be so nominated and appointed agent or agents as aforesaid, for any prize or prizes, taken by any ship or ships, vessel or vessels of war, or by any merchant ship or ships employed in his Majesty's service, or having letters of marque, or for receiving the bounty herein-after granted, and which prize or prizes shall be condemned in the high court of admiralty in *Great Britain*, or in any of the courts of admiralty in any of his Majesty's plantations in *America*, or in any other his Majesty's dominions where the said prize and prizes, and every of them, shall be condemned, shall exhibit, and cause to be registered, in the said high court of admiralty in *Great Britain*, or in the respective courts of admiralty in *America*, or in any other his Majesty's dominions where the said prize and prizes, and every of them, shall be condemned, his or their respective letter or letters of attorney, appointing him or them agent or agents for the purposes aforesaid; and if any person or persons, so appointed agent or agents as aforesaid, shall refuse or neglect so to do for the space of six calendar months next after sentence of condemnation of any prize shall be given in the said high court of admiralty in *Great Britain*, or in *America*, or other his Majesty's dominions for the care and distribution of which he or they shall be appointed agent or agents, such person or persons, so refusing or neglecting, shall forfeit the sum of five hundred pounds, to be recovered, by him or them who shall sue for the same by action of debt, bill, plaint, or information, in any court of record in *Great Britain*, *America*, or in any other of his Majesty's dominions; in which no essoin, protection, or wager of law, or more than one imparlance, shall be allowed.

XXXIV. And

XXXIV. And be it further enacted by the authority aforesaid, That the register or registers of his Majesty's high court of admiralty, and of all other courts of admiralty in Great Britain, and other his Majesty's dominions, shall, from time to time, duly enter or register, or cause to be entered or registered, in one or more book or books, to be by him or them kept for that purpose only, all letters of attorney that shall be exhibited or delivered to them after the twenty-fourth day of June, one thousand seven hundred and seventy-nine, by any agent or agents for any prize or prizes taken or to be taken, by any of his Majesty's ships or vessels of war, or by any agent or agents for the receipt and distribution of any bounty bill or bills, within fourteen days after the same shall be so exhibited or delivered to such register or registers, at his or their respective offices; which registry shall contain the days of delivery and entry, the dates of the letters of attorney, the names and places of abode of the agents, the names of the prizes taken, or of the ships of war or privateers of the enemy taken, burnt, sunk, or otherwise destroyed, together with the names of the ships or vessels by which such prizes shall have been taken, or by which such ships of war or privateers of the enemy shall have been taken, burnt, sunk, or otherwise destroyed, together with the date of the condemnation, and of appeal, if any interposed; and the register or registers shall, on the twenty-sixth day of December, and the twenty-fifth day of June, or within forty days thereafter, in every year, transmit or deliver unto the treasurer of the said hospital, or to the lawful deputy of such treasurer for the time being, a true copy or transcript, under his or their hand or hands, of all such entries as aforesaid within the preceding half year; and if such register or registers shall neglect or refuse to make or keep such entries, or to transmit or deliver such copies thereof, as aforesaid, within the respective times herein-before limited for that purpose, he or they shall, for every such offence, forfeit the sum of one hundred pounds, to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record, in which no essoin, protection, privilege, wager of law, or more than one imparlance, shall be allowed.

Registers in all courts of admiralty to enter all letters of attorney delivered to them, by any agent for prizes taken by his Majesty's ships, &c. within 14 days after delivery;

and to transmit copies thereof, half-yearly, to the treasurer of Greenwich Hospital;

on forfeiture of 100*l*.

XXXV. Provided always, That if any agent or agents shall be appointed after the time any sentence of condemnation in any of the said courts of admiralty shall be given, such agent or agents shall, under the aforesaid penalty, register, or cause to be registered, in manner aforesaid, his or their respective letters or letter of attorney, appointing him or them agent or agents as aforesaid, within the space of six calendar months after the date of the said letter or letters of attorney.

Agent appointed after condemnation of prize, to register his letters of attorney in like manner, &c.

XXXVI. And be it further enacted by the authority aforesaid, That the register or registers of all and every the court and courts of admiralty in any of his Majesty's plantations in America, or elsewhere in any other of his Majesty's dominions, shall yearly and every year, upon the twenty-third day of October, or

Registers, on penalty of 500*l*. to transmit yearly to the treasurer of Greenwich Hospital, co-

within

pieces of all letters of attorney registered in their courts Judge to affix his seal of office thereto.

Agents to pay the expenses thereof.

The said copies, when registered by the said treasurer, to be deemed evidence of the agency of such persons.

Agents to give publick notice of the time appointed for payment of the shares to the captors ;

within three calendar months next after the same, make out and transcribe true copies of all and every such letter and letters of attorney as shall be so registered in the said court or courts, to which the judge and judges of the said court and courts shall affix his and their seal of office ; and then the said register and registers shall transmit the same to the treasurer of the said royal hospital at *Greenwich*, to be there registered, and to be inspected by any person *gratis* ; the charges of which copies, and affixing the seal or seals thereto, and transmitting the same to the treasurer of the said hospital, shall be paid by the said agent or agents at the time of making such registry as aforesaid : and in case such register or registers shall neglect or refuse to transcribe and transmit such copy and copies of the said letter and letters of attorney, in manner aforesaid, (if any ship or ships in that time shall sail from such port or place to any port or ports in *Great Britain*), such register and registers, so neglecting or refusing, shall forfeit the sum of five hundred pounds, to be recovered by him or them who will sue for the same, by action of debt, bill, plaint, or information, in any court of record in *Great Britain* or *America*, or elsewhere in any other of his Majesty's dominions, in which no effoin, protection, or wager of law, or more than one imparlance, shall be allowed.

XXXVII. And, for the more effectual making such letters of attorney evidence of the agency of the person or persons to whom the same shall be made, be it further enacted by authority aforesaid, That true copies of such letter and letters of attorney, and of transcripts, under seal, transmitted by the said register or registers of the court and courts of admiralty in his Majesty's plantations in *America*, and elsewhere within his Majesty's dominions, and registered by the said treasurer of *Greenwich Hospital*, shall, from time to time, and at all times hereafter, be good and sufficient evidence of the agency of the person or persons to whom such letter of attorney is or shall be made ; and from time to time, and at all times hereafter, shall be admitted, without further or other proof thereof, to be legal evidence, in all his Majesty's courts of record of law or equity ; any law, custom, or usage, to the contrary thereof in any wise notwithstanding.

XXXVIII. And be it further enacted by the authority aforesaid, That after the sale or sales of any prize or prizes, which have been or shall be taken from the enemy by any of his Majesty's ships of war, publick notification, in manner herein after mentioned, shall be given by the persons or agents appointed as aforesaid, for the payment of the several shares to the captors aforesaid ; that is to say, if the prize or prizes shall have been or shall be condemned in his Majesty's high court or other court of admiralty in *Great Britain*, then the person or persons, agent or agents, appointed or to be appointed in pursuance of this act, for the appraisement and sale of such prize or prizes, shall insert and publish, or cause to be inserted and published, such notification, under his or their hand or hands respectively, in the *London Gazette* ; and if condemned in any court or courts of admiralty

admiralty or vice-admiralty in any other of his Majesty's dominions, then such person or persons, agent or agents as aforesaid, shall insert and publish, or cause to be inserted and published, such notification, under his or their hand or hands respectively, in the *Gazette*, or some other newspaper of publick authority, of the island or place where the prize or prizes shall have been or shall be condemned; and if there shall be no *Gazette*, or such other newspaper published there, then in some or one of the most publick newspapers of such island or place; and all persons or agents publishing, or causing to be published, every such notification respectively, shall deliver to the collector, customer, or searcher, for the time being of his Majesty's customs residing at or belonging to the port or place where the prize or prizes shall have been or shall be condemned, or the lawful deputy or deputies of such collector, customer, or searcher; and if there shall be no such collector, customer, or searcher, then such persons or agents as aforesaid shall deliver, to the principal officer or officers of the port or place where the prize or prizes shall have been or shall be condemned, or to the lawful deputy or deputies of such principal officer or officers, two of the *Gazettes* or other newspapers in which such notifications shall be so inserted and published; and if there shall not be any publick newspapers in any such island or place, then such person or persons, agent or agents, shall give two such notifications in writing, under his or their respective hand or hands, to the said collector, customer, or searcher, or the deputy or deputies of such collector, customer, or searcher, or where there shall be no such collector, customer, or searcher, to such principal officer or officers, or his or their deputy or deputies, aforesaid: and every such collector, customer, or searcher, and principal officer or officers, or such deputy or deputies, shall subscribe his or their name or names on some conspicuous part of both the said *Gazettes*, newspapers, or written notifications respectively, and by the first ship which shall sail (after his or their receipt of such *Gazettes*, newspapers, or written notifications respectively) from such port or place to any port of *Great Britain*, shall transmit or send, to the treasurer of the royal hospital at *Greenwich*, or the deputy of such treasurer, for the time being, one of the said *Gazettes*, newspapers, or written notifications, with his or their name or names so subscribed to and upon the same respectively, to be there registered; and shall faithfully preserve and keep the other of the said two *Gazettes*, newspapers, or written notifications, with his or their name or names thereon subscribed as aforesaid, in his or their custody; and that in every such printed or written notification as aforesaid, the said person or persons, agent or agents, shall insert or specify his or their place or places of abode, and the precise day of the month and year appointed for the payment of the several and respective shares of the prize or prizes to the captors: and all such notifications, with respect to prizes condemned or to be condemned in *Great Britain*, shall be published in the *London Gazette* three days at least before

and shall deliver to the collector, &c. of the customs two of the newspapers &c. in which such notification shall be inserted;

who shall subscribe the same, and transmit one of them to the treasurer of *Greenwich Hospital*, to be there registered.

Notifications relating to prizes condemned in any

Great Britain
to be published
in the London
Gazette, three
days before
any share shall
be paid, &c.

Shares of run
men, and of
such as shall
not be de-
manded with-
in 3 years, to
be paid to
Greenwich
Hospital.

Any agent for
appraisement
or sale of prizes
taken by his
Majesty's ships
of war, &c.
who shall neg-
lect to publish
proper notifi-
cations before
payment, shall
forfeit 100*l*.

and collector,
&c. of the
customs neg-
lecting to at-
test or transmit
the same, shall
be liable to the
same penalty.

Notifications
transmitted
and attested as
aforesaid, and
registered at
Greenwich
Hospital, shall

any part or parts, share or proportion, of any such prize or prizes, shall be paid to any person or persons intitled thereto; and all such notifications, with respect to prizes condemned or to be condemned in any other part of his Majesty's dominions, shall be delivered to the said collector, customer, or searcher, or principal officer or officers aforesaid respectively, or such respective deputy or deputies, three days at least before any part or parts, share or proportion, of any such prize or prizes shall be paid to any person or persons intitled thereto: after which several and respective notifications, if any man's share shall remain in the hands of the persons or agents appointed as aforesaid, either belonging to such men as shall be run from his Majesty's service, or which shall not be legally demanded within three years, then such share or shares so remaining in the persons or agents hands, or belonging to such men as shall run from his Majesty's service, shall go and be paid to the use of Greenwich Hospital.

XXXIX. And be it further enacted by the authority aforesaid, That if any person or agent, appointed, or to be appointed, for appraisement or sale of any prize or prizes, taken, or to be taken, from the enemy, by any of his Majesty's ships or vessels of war, or for the distribution of any bounty-money, shall neglect or refuse to publish, give, or deliver, any notification herein directed or required to be published, given, or delivered, or shall not publish, give, or deliver, any such notification, before the payment of any part of such prize or bounty-money, and within the times herein respectively limited, or in the manner herein appointed; or shall not specify or set forth, in such notification, the matters and things herein directed to be specified and set forth; every such person or agent shall, for every such offence, forfeit and pay the sum of one hundred pounds, to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record in Great Britain or America, or elsewhere in any of his Majesty's dominions, in which no essoin, protection, privilege, wager of law, or more than one imparlance, shall be allowed: and if any collector, customer, or searcher, of his Majesty's customs, or principal officer or officers, or such deputy or deputies as aforesaid, shall neglect or refuse to receive or to attest, or shall not transmit or send, any such Gazette, newspaper, or written notification, as aforesaid, in such manner as is before directed, every such collector, customer, or searcher, principal officer or officers, or such deputy or deputies, so offending, shall, for every such offence, forfeit the sum of one hundred pounds, to be sued for and recovered in the same manner as the above penalty is directed to be sued for and recovered.

XL. And be it further enacted by the authority aforesaid, That the notifications in all such gazettes, newspapers, and in writings respectively, as aforesaid, which shall be so transmitted and attested by such collector, customer, or searcher, or principal officer or officers, or such deputy or deputies as aforesaid,

and registered at the said royal hospital, on proof of the hand-writing of such collector, customer, searcher, principal officer or officers, or deputy or deputies, from time to time, and at all times, shall be good and sufficient evidence, in all his Majesty's courts of law and equity, that the person or persons, whose name or names is or are therein set forth and specified as the agent or agents for the prize or prizes therein respectively mentioned, is or are such agent or agents.

XLII. *And whereas great numbers of ships of neutral nations may pass the seas laden with naval stores, intended to be carried to the ports of France, whereby his Majesty's enemies may not only be enabled and encouraged to fit out and arm privateers to destroy the trade of his Majesty's subjects, but may also be supplied with materials to build and fit out ships of war, to annoy and invade his Majesty's dominions and whereas divers ships of neutral nations, laden as aforesaid, may be taken and brought into the ports of Great Britain, and the purchase of such naval stores, laden on board such ships of neutral nations, for the service of his Majesty, may in many cases be expedient, without proceeding to the condemnation thereof; be it therefore further enacted by the authority aforesaid, That it shall and may be lawful to and for the principal officers and commissioners of his Majesty's navy for the time being, or their officers or agents, during the continuance of the present hostilities with France, to purchase, on the account or for the service of his Majesty, his heirs and successors only, all or any such naval stores found on board any such ships of neutral nations, which have been, shall, or may hereafter be brought into any of the ports of this kingdom, by any of his Majesty's ships or vessels, or by any private ships or vessels of war, or other ships or vessels having commissions or letters of marque; and that the commissioners and officers of the customs for the time being shall and may permit and suffer such naval stores, so purchased as aforesaid, to be entered and landed within any of the ports of this kingdom; any thing in an act of parliament, passed in the twelfth year of his late majesty King Charles the Second, intituled, *An act for the encouraging and increasing of shipping and navigation*, contained to the contrary thereof in anywise notwithstanding.*

XLIII. And, as a further encouragement to the officers, seamen, marines, soldiers, and others, on board his Majesty's ships of war, as also of privateers, to attack, take, and destroy any ships of force belonging to the enemy, be it enacted by the authority aforesaid, That there shall be paid, by the treasurer of his Majesty's navy, upon bills to be made forth by the commissioners of the navy, to be paid according to the course thereof, without fee or reward, unto the officers, seamen, marines, soldiers, or others, who shall have been actually on board any of his Majesty's ship or ships of war, or privateer or privateers, at the taking, or sinking, or burning, or otherwise destroying, any ship or ships of war belonging to the enemy, since the twenty-ninth day of July, one thousand seven hundred

Hospital, shall be deemed evidence of the agency of the persons therein mentioned.

Commissioners of the navy to purchase, for the King's use, naval stores on board neutral ships brought into port by the King's ships or privateers.

Act 12 Car. 2. notwithstanding.

Bounty money payable to the captors, by the navy-office, for all the enemy's ships taken or destroyed.

Numbers to
be ascertained
upon oath,

and a certifi-
cate granted
thereof, and
produced to
the commission-
ers of the
navy, with
copy of ship's
condemnation,
unless the
ship be sunk or
destroyed.

Dividend to
be made ac-
cording to
proportion
settled by pro-
clamation, &c.

Where such
oath and cer-
tificate cannot
be made and
had at the first
port,

the same may
be done at any
other port

and seventy-eight, five pounds for every man who was living on board any ship or ships so taken, sunk, burnt, or otherwise destroyed, at the beginning of the attack or engagement between them; the numbers of such men to be proved by the oaths of three or more of the chief officers or men which were belonging to the said ship or ships of war or privateers of the enemy, or belonging to any of them, at the time of her or their being taken as prize, sunk, burnt, or otherwise destroyed, before the mayor, or other chief magistrate, of the port within any of his Majesty's dominions whereunto any prize, or officers or men of such ships, as were sunk, burnt, or otherwise destroyed, shall be brought, or before the *British* consul or vice-consul residing at any neutral port to which such prize, or officers or men, shall be brought, which oaths the said mayor, or other chief magistrate, of any such port, or consul or vice-consul, are hereby respectively empowered and required to administer, and shall forthwith grant a certificate thereof, without fee or reward, directed to the commissioners of the navy, upon producing which certificate to the commissioners of his Majesty's navy, together with an authentic copy of the sentence or decree of condemnation on such ship so taken; or where such certificate cannot be had and obtained, then upon producing only a copy of the sentence or decree of condemnation, whereby the number of men on board such ships of the enemy shall appear to have been proved; or if such ship be sunk, burnt, or otherwise destroyed, on producing only a certificate from the mayor, or other chief magistrate, or consul or vice-consul, as aforesaid, the said commissioners of his Majesty's navy, or such person or persons as they shall appoint for that purpose, shall, according to the course of the navy, within fifteen days, make out bills for the amount of such bounty, directed to the treasurer of the navy, payable to, and to be divided amongst, the officers, seamen, marines, and soldiers, on board his Majesty's ships of war, in manner, form, and proportion, as by his Majesty's proclamation for governing the distribution of prizes, already issued or to be issued for that purpose, is or shall be directed and appointed; and amongst the owners, officers, and seamen, of any private ship or vessel of war, in such manner and proportion as by any agreement in writing, they shall have entered into for that purpose, shall be directed.

XLIII. Provided nevertheless, That in all cases where such oath and certificate cannot be administered and granted at the first port whereunto any prize, or officers or men of such ships as have been, or shall be taken, sunk, burnt, or otherwise destroyed, shall be brought, such oath or oaths, relating to any prize or prizes that shall be taken, or to any ships of his Majesty's dominions that shall be sunk, burnt, or otherwise destroyed, as aforesaid, shall and may be administered and taken by and before the mayor, or other chief magistrate, or any port within any of his Majesty's dominions, or by or before the *British* consul, or vice-consul, residing at any neutral port whereunto any prize

prize or prizes, or officers or men of any ships belonging to his Majesty's enemies as have been, or shall be, taken, sunk, burnt, or otherwise destroyed, shall at any time afterwards be brought, (proof being first made, by affidavit before such person or persons, of the inability of making such oath or oaths, and obtaining such certificate, at the said first port); and the mayor, or other chief magistrate, consul or vice-consul, shall thereupon grant such certificate and certificates as are herein-before directed; which certificate and certificates shall be good and effectual to all intents and purposes, as if the same were granted by the mayor, or other chief magistrate, consul or vice-consul, of the port to which such prize or prizes, officers or men, as aforesaid, shall be first brought; any thing herein contained to the contrary thereof in any wise notwithstanding.

Proof being made of such inability at the first port.

Certificate granted thereupon to be valid.

XIV. Provided always, and be it enacted, That if any ship, vessel, or boat, taken as prize, or any goods therein, shall appear, and be proved, in any court of admiralty, to have belonged to any of his Majesty's subjects of Great Britain or Ireland, or any of the dominions and territories remaining and continuing under his Majesty's protection and obedience, which were before taken or surprized by any of his Majesty's enemies, and at any time afterwards again surprized and retaken from his Majesty's enemies by any of his Majesty's ships of war, or any private man of war, or other ship, vessel, or boat, under his Majesty's protection and obedience; that then such ships, vessels, boats, and goods, and every such part and parts thereof, as aforesaid, formerly belonging to such his Majesty's subjects, shall in all cases be adjudged to be restored, and shall be, by decree of the said court of admiralty, accordingly restored to such former owner or owners, or proprietors, he or they paying, for and in lieu of salvage, one eighth part of the true value of the ships, vessels, boats, and goods, respectively so to be restored, which salvage, if retaken from the enemy by any of his Majesty's ship or ships of war, shall be answered and paid to the captains, officers, and seamen, in his Majesty's said ship or ships of war, to be divided in such manner as before in this act is directed touching the share of prizes belonging to the flag officers, captains, officers, seamen, marines, and soldiers, where prizes are taken by any of his Majesty's ships of war; and if such ship so retaken by any of his Majesty's ship or ships of war, or by any private man of war, shall appear to have been, after the taking by the enemy, by them set forth as a man of war, the former owners and proprietors, to whom the same shall be restored, shall be adjudged to pay, and shall pay, for salvage, the full moiety of the true value of the said ship so taken and restored without deduction, as aforesaid; any law, custom, or usage, to the contrary notwithstanding.

Prizes which have been taken from his Majesty's subjects not in rebellion to be restored to them.

on payment of a 8th part of the value thereof;

but if any such ship had been used by the enemy as a man of war, a moiety of the value to be paid on restoring thereof.

XV. And be it further enacted by the authority aforesaid, That the bill or bills, to be made out for the bounty hereby granted to the commanders, officers, seamen, marines, soldiers, and others, of his Majesty's ships of war, for taking, sinking,

Bills for bounty money to be paid to agents.

and to be divided amongst the captors.

Shares not demanded within 3 years, to be paid over to Greenwich Hospital.

Bounty money to privateers, to be divided as agreed among themselves.

Ships or merchandise taken by collusion by privateers,

forfeited to his Majesty, with the bond. One moiety to the crown, the other to the prosecutor; and it to taken by a King's ship, the captain to forfeit.

and be suspended for 7 years,

burning, or otherwise destroying, any ships of war, or privateers, belonging to any of his Majesty's enemies, shall be made payable to such person or persons as shall be authorised and appointed by the flag officers or flag officer, captain or captains, officers or officer, ships' companies or ship's company, and others, intituled therunto, in like manner as herein before is directed for the nominating and appointing agents for appraisement and sales to be made as aforesaid; the same to be distributed and divided, by the said person or persons so authorised and appointed, amongst the captors, in such manner, form, and proportion, as aforesaid; the several shares of which captors, if not legally demanded within three years after publick notification, and also of such as shall run from his Majesty's service, shall be applied to the use of *Greenwich Hospital*; and that the bill or bills to be made out for the bounty hereby granted to privateers, for taking, burning, sinking, or otherwise destroying, any ships of war, or privateers, belonging to any of his Majesty's enemies, shall be made payable to such person or persons as shall be nominated and appointed by the owner or owners, officers and seamen, of such privateer or privateers, who shall have taken, sunk, burnt, or otherwise destroyed, the same or the major part of them, to be divided in such manner and proportions as shall have been agreed on by them as aforesaid.

XLVI. And be it further enacted by the authority aforesaid, That in case any ship or vessel, or any goods or merchandize, shall be taken or retaken, or restored, without being first brought to adjudication, by any privateer, through consent, or clandestinely, or by collusion or connivance, the ship and vessel, and goods and merchandizes, so taken or retaken, or restored, and also the ship's tackle, furniture, apparel, and ammunition, of such privateer, shall, upon proof thereof to be made in any court of admiralty, be declared and adjudged to be good prize to his Majesty; and one moiety thereof shall be to the use of his Majesty, his heirs and successors, and the other moiety to the use of such person who shall discover and sue for the same; and the bond given by the captain of such privateer shall be, and is hereby adjudged to be, forfeited to his Majesty: and in case any such ship or vessel, or any goods or merchandizes as aforesaid, shall be taken, or so retaken or restored, by any man of war, through consent, clandestinely, or by collusion or connivance of the commander or captain, such commander or captain shall forfeit the sum of one thousand pounds; one moiety thereof to the use of his Majesty, his heirs and successors, and the other moiety to the use of such person who shall discover and sue for the same; to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record, wherein the same shall be in question, privilege, or wager of law, or any other manner whatsoever, shall be allowed; and such captain or officers, shall forfeit his command and participate therein, and shall be, and is hereby disabled and made incapable of any office

Office or employment under his Majesty, during the space of seven years; and the said goods and merchandizes, and the ship, tackle, apparel, furniture, guns, and ammunition, so taken by collusion, shall be, and is hereby directed to be adjudged, in all courts of admiralty, as good prize and forfeiture to his Majesty.

and the ship and goods taken forfeited.

XLVII. And be it further enacted by the authority aforesaid, That no person or persons, belonging to any of his Majesty's ships or vessels of war, or to any merchant ship employed in his Majesty's service, who shall run away, or withdraw him or themselves from the ship or vessel by which any prize or prizes shall be taken from any of his Majesty's enemies, or otherwise from his Majesty's service, before or after notification shall be given by the persons or agents appointed as aforesaid, of the day appointed for the payment of the several shares to the captors of the said prize or prizes, shall have, or be intitled to have or claim, any interest in, or benefit of, the said share or shares of the said prize or prizes, or the bounty-money aforesaid, or any part thereof; but such share and shares of such prize and prizes, and bounty-money, shall go and be paid to the use of *Greenwich Hospital*.

Run men forfeit their share of prize and bounty-money.

which is to be paid over to Greenwich Hospital;

XLVIII. Provided always, That if any person or persons shall or do run away, or withdraw him or themselves, from any such ship or vessel, as aforesaid, after notification given as aforesaid, he or they shall forfeit and lose such part of his and their share and shares of the said prize or prizes, and bounty-money, as shall be remaining in the said agent or agents' hands, at the time of his and their running away, or withdrawing him or themselves; any thing herein-before contained to the contrary thereof in any wise notwithstanding.

and if they run, after notification, to lose what then remains of their share in the agents' hands.

XLIX. And be it enacted by the authority aforesaid, That all and every person and persons, agent and agents, and others, who shall sell, or otherwise dispose of, any prize or prizes, so to be taken as aforesaid from any of his Majesty's enemies, shall, within the space of three calendar months next after the day to be appointed for the first payment or distribution to the captors of such prize or prizes made in pursuance of such publick notification as aforesaid, make out, and transmit or deliver unto the treasurer of the said royal hospital at *Greenwich* for the time being, or to such person or persons as he shall for that purpose depute or appoint, a true state and account in writing under the hand or hands of such agent or agents, or person or persons so employed, of the produce of all such prize and prizes as aforesaid, together with an account of the payments of the several shares to the captors, as shall then have been really and truly by him or them respectively paid; and also that all and every person and persons, who shall be appointed by this present act to receive bills for the bounty-money granted, shall, within the like space of three calendar months next after the day appointed for the first payment or distribution of such bills for the bounties as aforesaid, in like manner make out, and transmit or deliver to the treasurer for the time being

Agents, within 3 months after the day appointed for first payment, to transmit to the treasurer of Greenwich Hospital an account of the produce of such prize,

and payment of shares;

and also transmit a like account of the bounty-money;

and also transmit a like account of the bounty-money;

of the said hospital, or to his sufficient deputy, a true state and account in writing, under his or their hand or hands, of the payment and distribution of such bills: and further, that all and every person and persons, agents and others, who, by virtue of this act, shall sell or dispose of any prize or prizes, which already have been, or shall at any time or times hereafter be taken from the said enemy, by any of his Majesty's ships or vessels of war, or who shall receive or dispose of any bill or bills for bounty, such person and persons, agents and others, so selling and disposing thereof, shall, within the space of three calendar months next after the expiration of the term of three years limited by this act, make out an exact account in writing of the produce of such prize and prizes, bill and bills for bounty, as also of the payments of the several shares to the respective captors, together with a true and just account, upon oath, to be taken before the treasurer of the said hospital for the time being, or any other person or persons by him for that purpose deputed and authorised, in writing under his hand and seal, which oath the said treasurer of the said hospital, and his sufficient deputy and deputies, authorised as aforesaid, is and are hereby authorised and empowered to administer,) of all sum and sums of money as shall be then remaining in such agent or agents or persons custody, power, or possession; and shall at the same time deliver, or cause to be delivered, to the treasurer of the said hospital for the time being, or to his sufficient deputy or agent, the said accounts, so attested upon oath as aforesaid, together with all such remaining sum and sums of money then so left and remaining in his or their hands, as aforesaid, taking from the said treasurer, or his proper deputy or agent, his or their acquittance or acquittances for the same.

an 1, within 3 years after, to make out an oath, and transmit a like account of the produce and payments of such prizes and bounty-money,

and of all sums then remaining in their hands, which are to be paid over at the same time to the treasurer of the said hospital.

Agents neglecting to render such accounts and payments to the treasurer, and above the money then in their hands,

One third to the King, and the rest to the hospital.

If the treasurer or any fraud or collusion in

L. And be it further enacted, That all and every person and persons, hereby directed to transmit or deliver all or any true accounts before mentioned, who shall neglect or refuse to transmit or deliver all or any such account or accounts to the treasurer of the said hospital, or his said deputy or agent, within the time before limited and appointed, in manner and form as is hereinbefore mentioned; or who shall neglect or refuse to pay over all and every such sum and sums of money, as shall remain in his or their hand or hands, power, custody, or possession, after the term of three years, to be accounted as aforesaid, shall, for every such offence, forfeit the sum of one hundred pounds, over and above the money then in such agents' hands, one third part whereof shall belong to his Majesty, and the remaining two thirds to the said royal hospital; to be recovered, with costs of suit, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record; in which no esoin, protection, privilege, or wager of law, or more than one imparlance, shall be allowed.

L. And be it further enacted, That if any fraud, collusion, or deceit, shall be wilfully or willingly made, used, committed, permitted, or done, or suffered, in making, stating, or balancing,

balancing, any such accounts, then every person or persons who shall be thereof duly convicted, and his and their aiders and abettors, shall forfeit and pay, for every such offence, over and above the penalties and punishments inflicted by this act, the sum of one hundred pounds; one third part whereof to be to the use of his Majesty, and one other third to the use of the said hospital, and the other third to the informer who shall sue for the same, to be recovered, with costs of suit, by action of debt, bill, plaint, or information, in any court of record, in which no essoin, protection, privilege, or wager of law, or more than one imparlance, shall be allowed.

such accounts, persons concerned therein, to forfeit 100*l.* extra

One third to the King, One to the hospital, and one to the prosecutor.

LII. And be it further enacted by the authority aforesaid, That no agent or agents for prizes, or bounty-money, shall be liable to be sued, impleaded, or arrested, by any person or persons who shall be made run from his Majesty's service, in the lists to be duly certified of the names of the officers, seamen, marines, soldiers, or others, who shall be actually on board any of his Majesty's ships of war at the taking of any prize or prizes, unless the person or persons so made run, shall, before any action brought, obtain a certificate of his or their R or R's being taken off, and the forfeiture of his or their shares of such prizes and bounty monies being discharged by the commissioners of his Majesty's navy who subscribed the said lists, and shall produce such certificate to the said agent or agents respectively; and unless the said agent or agents, on the producing of such certificate or certificates, shall refuse to pay the said prize or bounty money (in case the same be due and payable according to the directions in his Majesty's proclamation) within two months after any such demand made and such certificate produced.

Agents not liable to be sued by runmen in the King's service,

unless they produce a certificate of their R's being taken off,

and the agent thereupon refuse to pay the prize or bounty-money.

LIII. And be it further enacted by the authority aforesaid, That, from and after the twenty fourth day of *June*, one thousand seven hundred and seventy-nine, all and every person and persons, agent and agents, appointed or to be appointed by the flag officers or flag officer, captains or captain, officers or officer, ships' companies or ship's company, and others, of any of his Majesty's ships or vessels of war, for the distribution of any bounty bill or bills given or granted by virtue of this act, shall insert and publish, or cause to be inserted and published, under his or their hand or hands, in the *London Gazette*, three days at the least before the payment or distribution of any such bounty bill or bounty bills, publick notification of the precise day of the month and year appointed for the payment of such bounty-money; and shall insert, in every such notification, the place or places of his or their abode.

Agents of King's ships for distribution of bounty bills shall give 3 days notice, in the *London Gazette*, before the payment of such bills

and shall, in such notifications, mention their places of abode

LIV. And be it further enacted by the authority aforesaid, That in all cases where any publick notification hath, during the present hostilities, been given, or shall be given, before the respective times herein before mentioned for the giving of notifications in *Order British*, and other parts of his Majesty's dominions, of the payment of any prize or bounty-money in re-

If in any publick notification already given, or which shall be given, during the present hostilities,

there shall be omitted the day on which payment shall commence, or the name and place of abode of the agent,

then the said agent shall give a more particular notification, at the respective times herein mentioned.

of any of his Majesty's ships or vessels of war, and the particular and precise day whereon such payment did or shall commence, and the name or names, and place or places of abode, of the person or persons, agent or agents, appointed or to be appointed for the appraisement and sale of any such prize or prizes, or distribution of any such bounty-money, was not, or shall not be set forth or specified in such publick notification, the person or persons, agent or agents, appointed or to be appointed for the appraisement and sale of every such prize or prizes, condemned or to be condemned in his Majesty's high court or other court of admiralty in *Great Britain*, or for the distribution of any such bounty-money, shall, on or before the twenty-fifth day of *December*, one thousand seven hundred and seventy-nine; and the person or persons, agent or agents, appointed or to be appointed for the appraisement and sale of every such prize or prizes, condemned or to be condemned in any court or courts of admiralty in any other of his Majesty's dominions in *Europe*, or in any of his Majesty's plantations in *America*, or for the distribution of any such bounty-money, shall, on or before the first day of *June*, one thousand seven hundred and eighty; and the person or persons, agent or agents, appointed or to be appointed for the appraisement and sale of every such prize or prizes condemned or to be condemned in any other of his Majesty's dominions, or for the distribution of any such bounty-money, shall on or before the twenty-fifth day of *March*, one thousand seven hundred and eighty-one, respectively give notification, under his or their hand or hands respectively, of the precise day of the month and year appointed for the payment of the shares of such prize or bounty-money respectively, and shall specify in every such notification, his or their place or places of abode; and all such notifications shall be published, or given and delivered, attested and transmitted, by and to such person and persons, and in such manner, as the notifications to be published or given are herein before directed and required to be published, or given and delivered, attested and transmitted.

LV. And be it further enacted by the authority aforesaid, That all penalties and forfeitures given and granted by this act, shall be applied, one moiety to the informer or informers, and the other moiety to the use of the said royal hospital.

LVI. And be it further enacted by the authority aforesaid, That all penalties and forfeitures, and parts of penalties and forfeitures, given or to be given to the use of the said royal hospital, by this present act, or any other act or acts of parliament, shall and may be sued for and recovered in the name of the commissioners and governors of the royal hospital for seamen at *Greenwich*, in the county of *Kent*.

LVII. And, for the more speedy bringing of offenders to justice, and to prevent the inconveniences occasioned by want of frequently holding a session of admiralty, for the trial of offences committed on the high seas, be it further enacted by the authority aforesaid, That, from and after the twenty-fourth day

A session of
oyer and ter-
minor, for
trying naval
offences, to
be held twice

of *June*, one thousand seven hundred and seventy-nine, a session of oyer and terminer and gaol delivery, for the trial of offences committed on the high seas, within the jurisdiction of the admiralty of *England*, shall be held twice, at least, in every year, that is to say, in the several months of *March* and *October* in each year, at *Justice Hall* in the *Old Bailey*, *London*, except at such times as the sessions of oyer and terminer, and gaol delivery, for the city of *London*, and county of *Middlesex*, shall be appointed to be there held, or in such other place within that part of *Great Britain* called *England*, as the lord high admiral of *Great Britain*, or the commissioners for executing the office of lord high admiral of *Great Britain* for the time being, or any three or more of them, shall, by any letter or order, in writing under their hands, directed to the judge of the high court of admiralty in *England* for the time being, appoint.

a year at the
Old Bailey.

LVIII. And be it further enacted by the authority aforesaid, That, from and after the twenty-fourth day of *June*, one thousand seven hundred and seventy-nine, it shall and may be lawful, not only to and for any one or more of the commissioners for the time being named in the commission of oyer and terminer for the trying of offences committed within the jurisdiction of the admiralty of *England*, but also to and for any one or more of the justices of the peace for the time being of any county, riding, division, or place, within that part of *Great Britain* called *England*, and they are hereby respectively authorised and empowered, from time to time, to take any information or informations, of any witness or witnesses, in writings, upon oath, touching any piracy, felony, or robbery, done or committed, or charged to have been done or committed, in or upon the sea, or in any haven, river, creek, or place, where the admiral or admirals hath or have power, authority, or jurisdiction; and thereupon, (if such commissioner or commissioners, or justice or justices of the peace, respectively, shall see cause,) by any warrant or warrants, under his or their hand and seal, or hands and seals, to cause the person or persons, accused in such information or informations, to be apprehended and committed to the gaol of the county or place wherein the same information or informations shall be taken, there to remain until discharged by due course of law.

Commissioners of oyer and terminer, or justices of peace, empowered to take informations, on oath, of any piracy, &c. committed within the admiralty jurisdiction:

and to grant warrants for commitment of the persons accused.

LIX. And it is hereby further enacted, That such of the said commissioners, or justices of the peace, who shall cause any such person or persons to be committed as is last mentioned, shall, and he or they is or are hereby respectively required, at the same time, to oblige all and every such other person or persons, whom such commissioner or commissioners, or justice or justices of the peace, shall judge necessary to prosecute and give evidence against the person or persons, who shall be so committed as aforesaid, to enter into one or more recognizance or recognizances to his Majesty, in a sufficient penalty, for his, her, or their appearing at the then next session of oyer and terminer, and gaol delivery, to be held for the jurisdiction of the admiralty of *England*,

Commissioners or justices may oblige all persons they shall think necessary to enter into recognizance to prosecute such offenders.

Persons refusing to enter into such recognizance may be committed.

And, there to prosecute and give evidence against the person or persons who shall be committed as aforesaid; and if any person shall refuse to enter into such recognizance to prosecute or give evidence as shall be required, he, she, or they, so refusing, shall be committed, by any such commissioner or commissioners, justice or justices, to the goal of the county or place in which the person so refusing shall be, until the next sessions of admiralty shall be held, or such persons shall enter into such recognizance as shall be required, as aforesaid; which recognizance or recognizances, together with the information or informations taken touching the offence or offences wherewith the person or persons to be committed as aforesaid shall be charged, the said commissioner or commissioners, or justice or justices of the place, before whom the same shall be taken, shall, and they are hereby respectively required to transmit, with all convenient speed, to the register for the time being of the high court of admiralty of *England*, to be by him forthwith laid before the judge for the time being of the same court, and afterwards to be kept among the records of that court.

Marshal of the admiralty, and all peace officer, to obey the orders of the said commissioners and justices.

LX. And be it further enacted by the authority aforesaid, That the marshal of the admiralty for the time being, and his deputy or deputies, and all sheriffs, bailiffs, stewards, constables, headboroughs, tithingmen, keepers of gaols and prisons, and all other officers whatsoever for keeping of the peace, (as well within liberties as without) shall, and they and every of them are hereby respectively authorised and required, from time to time, diligently to execute, perform, and obey, all such precept and precepts, warrant and warrants, and other order and orders, as shall at any time or times hereafter be made, directed, issued, or given, to them, or any of them respectively, by any one or more of the said commissioners named in the commission of oyer and terminer, or justices of the peace, by virtue or in pursuance of this act, touching any of the matters or things herein contained.

Continuance of this act.

LXI. Provided always, and be it further enacted by the authority aforesaid, That this act shall continue in force during the present hostilities with *France*, and no longer.

C A P. LXVIII.

An act for explaining, amending, and rendering more effectual, an act passed in the twenty-third year of the reign of his late majesty King George the second, for the more easy and speedy recovery of small debts within the Tower Hamlets.

Preamble.

Recital of an act 23 Geo. 2.

WHEREAS an act of parliament was passed in the twenty-third year of the reign of his late majesty King George the second, intituled, An act for the more easy and speedy recovery of small debts within the *Tower Hamlets*, which said act hath by experience been found useful to the inhabitants thereof; but the same is in many respects defective, and insufficient to answer the good purposes thereby

whereby intended and whereas the place now used as a court-house by the commissioners for executing the said act is very inconvenient for its purpose, and greatly out of repair; and no provision is made by the said former act for raising money to build, or provide, or put in repair, a proper court house, and offices for executing the powers of the said act may it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That at any general meeting of the said commissioners to be held after the passing of this act in manner as by this act is directed, it shall and may be lawful for the said commissioners, or the major part of them assembleable at such meeting, to authorize one or more person or persons, or their behalf, to contract for, and purchase, or accept a convenient piece or pieces of ground, and any messuages or tenements, in the High street, in the parish of Saint Mary, Whitechapel, or in some other convenient place within the Tower Hamlets aforesaid, which said ground and messuages or tenements, when purchased or accepted, shall be conveyed to Samuel Hawkins, John Baker, James Wood, Lemmy Richard Cousmaker, David Wilmot, James Hatch, Peter Lefevre, James Spagg, John Sherwood, James Coney, Daniel Martin, Jasper Clark, James Bicklake, Laurence Dermott, Charles Best, James Healey, John Perry, Thomas Page, Charles Mills, John Robinson, Abraham Benes, and William Buckmaster, and the survivors of them, and their successors, to be chosen as by this act is directed, as trustees for the purposes herein after mentioned: (of which said trustees one hath been chosen by the parishioners, or inhabitants of each of the parishes, hamlets, precincts, and liberties, within the said Tower Hamlets, the precinct of the Tower only excepted,) and the said trustees shall be ruled thereof, as to it for the service and benefit of the said hamlets, for the purposes in this and the said former act mentioned: and that upon payment of the purchase money, which shall be agreed to be paid for the said piece or pieces of ground and messuages or tenements, it shall be lawful for the commissioners nominated, assigned, and appointed, as by the said former act is directed, to take possession of the same, and the same, and every part thereof, shall be, and is and are hereby declared to be vested in the trustees herein before named and the survivors of them, and their successors, for the purpose of building a court-house and offices and also such other conveniences as shall by the said commissioners, or the major part of them, at any such general meeting as aforesaid, be deemed necessary for executing the business of the court of requests for the Tower Hamlets, to which use the said buildings shall be applied.

Commissioners may authorize a person to purchase or accept ground, and messuages or tenements, for building a court house,

which shall be conveyed to trustees.

Ground and messuages or tenements to be vested in trustees, on payment of the purchase money.

II. And be it further enacted by the authority aforesaid, That when and as often as any one or more of the said trustees shall die, it shall be lawful for the parishioners or inhabitants of the parish, hamlet, precinct, or liberty, within the said Tower Hamlets, (where such trustee or trustees was or were resident at the time

When trustees die, others to be chosen in their room.

time that he or they, or were chosen or appointed a trustee or trustees,) as have a right to assemble and meet for the choice of officers in their respective vestry, or other place of meeting, for transacting the publick business of such parish, hamlet, precinct, or liberty; and they, or the major part of them so assembled as aforesaid, are hereby empowered and required, on the Tuesday next after the feast of Easter next ensuing the decease of such trustee or trustees, to appoint one other person or persons resident within such parish, hamlet, precinct, or liberty, to be a trustee or trustees in the room of him or them so dying, in whom (together with the surviving trustees) the fee-simple and inheritance of the said piece or pieces of ground and messuages or tenements to be purchased or accepted as aforesaid, and all the buildings and erections which shall be made or built thereon, shall, by virtue of such appointment, be vested in trust, for the purposes in this and the said former act mentioned, and whenever any of the said trustees shall happen to die, the first or original number of twenty-two trustees shall from time to time be filled up in manner as above-mentioned.

Commissioners may build a court-house and other conveniences;

III. And be it further enacted by the authority aforesaid, That when the said piece or pieces of ground, and messuages or tenements, shall be so purchased or accepted as aforesaid, it shall and may be lawful for the said commissioners to cause to be built and finished thereon, or provided and fitted up, a convenient court-house, and such other buildings and conveniences, as shall be adjudged requisite by the said commissioners, at any general meeting or meetings, to be held as by this act is directed, or by the major part of them assembled at such meeting or meetings; all which said ground and buildings shall from time to time be used, maintained, supported, and repaired, in such manner as the said commissioners shall think fit.

and may borrow money by annuities

IV. And be it enacted by the authority aforesaid, That it shall and may be lawful for the said commissioners, or any seven or more of them, assembled at any such general meeting or meetings for that purpose, to borrow and raise any sum or sums of money, not exceeding the sum of one thousand five hundred pounds in the whole, for the purchasing of the said piece or pieces of ground, and messuages or tenements, and the erecting of such buildings, or providing and fitting up such court-house and offices as above-mentioned, by the grant of one or more annuity or annuities, for the life or lives of any person or persons, to be charged or chargeable upon the several sums of money by this act raised, or added to the fees of the said court, herein-after particularly mentioned; which said annuity or annuities shall not exceed the rate of ten pounds *per centum per annum*, upon any one life, for every one hundred pounds so borrowed or raised, and so in proportion for any greater or less sums. And they the said commissioners shall and may, at any such meeting or meetings, by an order or orders, signed by any seven or more of them, (without any stamp), charge the said additional sum hereby raised, or added to the said fees, with the pay-

Annunities to be charged on the additional sums added to the fees.

1779.] Anno decimo nono GEORGIA III. C. 68.

ment of such annuity or annuities accordingly; and from and immediately after the advancing of the monies for the purchase, or granting of such life annuity or annuities as aforesaid, into the hands of the treasurer or treasurers, to be appointed by the authority of this act, and the delivery of such order or orders for the payment of such annuity or annuities as aforesaid, such annuity or annuities shall stand, and be charged and chargeable upon, and shall be paid and payable out of the said monies, to arise from the said additional sums by this act charged upon the said fees, in such manner and form as, by such order or orders for payment thereof, shall be expressed or directed, and the same shall be free from all taxes and deductions whatsoever.

V. And be it further enacted, That all and every the said annuity or annuities may be assigned by the person or persons entitled to the same, or his, her, or their executors, administrators, or assigns, by indorsement, upon the back of the said order or orders, to any person or persons whomsoever.

Annuities assignable by indorsement.

VI. And, for enabling the said commissioners to pay and discharge the said annuity or annuities, be it enacted by the authority aforesaid, That, from and after the passing of this act, there shall be paid, into the hands of the treasurer or treasurers to be appointed by the authority of this act, for every summons which shall be issued out of the said court, the sum of two pence, and for every hearing in the said court, the sum of one penny, over and above the fees received, or to be received, by the clerks of the said court, for every such summons and hearing respectively, by virtue of, or under the authority of this or the said former act; which said additional sums, hereby charged upon the said several fees, shall from time to time be applied in payment of the said annuity or annuities so to be granted or ordered as above mentioned, and the arrears thereof, during and until the same shall be fully paid off and discharged.

Commissioners enabled to discharge the annuities.

VII. Provided always, and be it further enacted, That, from and after the death of the person or persons, upon whose life or lives such annuity or annuities shall be granted, and from and after the discharging of such annuity or annuities, and all arrears thereof, the payment of the said several additional sums of money, charged upon the said fees by virtue of this act as aforesaid, and each and every of them, shall cease and determine, and shall be no longer paid or payable.

Additional sums added to the fees to cease on the death of annuitants.

VIII. And be it further enacted, That the said commissioners, or any seven or more of them, at any general meeting or meetings, to be held as by this act is directed, may, and are hereby directed to contract with any person or persons for the building and finishing of the said court-house, and other conveniences hereby authorized to be built, and such contract shall specify the particular works to be done, and the prices to be paid for the same, and the time or times when such work shall be completed, and the penalties to be paid or suffered in case of non-performance thereof, and the same shall be executed by seven or more of the said commissioners, and also by the person or

Commissioners may contract for the building a court house, &c.

or persons contracting to perform such works respectively, and provides to their entering into such contract, fourteen days notice at least shall be given; in one or more of the publick newspapers, circulated within the bills of mortality, expressing the intention of such contract, and the time and place of meeting of the commissioners to receive proposals for entering into the same.

Commission-
ers to order
payment of
annuities, and
all monies due
for building.

IX. And for the better regulating the payment of the said annuity or annuities, and of the money which may be expended in the building and finishing the said court-house and offices, be it further enacted, That the said commissioners, or any seven or more of them, at any such general meeting or meetings as aforesaid, shall (by warrant, in writing under their hands, directed to such person or persons as shall be chosen treasurer or treasurers by the authority of this act) order or direct the payment of the said annuity or annuities, and also all such monies as shall be due and payable for the building and finishing of the said court-house and offices, to the person or persons intitled to receive the same respectively, as the same shall become due; and such treasurer or treasurers shall, upon receipt of such warrant or warrants, forthwith pay the same out of the monies which shall be in his or their hands as aforesaid, by virtue of, or under this act, and such warrants when paid shall be allowed in account to such treasurer or treasurers, upon the settling or auditing of his or their accounts with the said commissioners, in manner as directed by this act.

For recover-
ing money
belonging to
suitors of the
court now in
the hands of
clerks, &c.

X. And whereas there are in the hands of the present and former clerks of the said court, and of the representatives of clerks deceased, divers and considerable sums of money, which were paid into the said court for the use of the suitors thereof, but have not yet been called for or claimed by the persons intitled to receive the same, although the same have been so paid in for the space of six years and upwards; and the said commissioners being desirous that the said money should be laid out and invested in some government security, that the same may be forth-coming to the several suitors in the said court, who are entitled thereto, when they shall demand the same respectively; be it enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners, or any seven or more of them, at any general meeting to be held after the passing of this act, to demand the monies so in the hands of any of the said present or former clerks of the said court, and also the said monies in the hands of or due from the representatives of any clerk of the said court who is deceased; and if, upon such demand, the same or the payment thereof shall be refused, it shall be lawful for the said commissioners, or any seven or more of them, at any such general meeting, to sue for and recover the same by action or actions upon the case, in any of his Majesty's courts of record at Westminster, in the name of the treasurer or treasurers to be appointed by the authority of this act, in which action or actions it shall be sufficient for the said treasurer or treasurers to declare that the defendant or defendants is or are indebted

indebted to such treasurer or treasurers, in the sum of money which shall be so demanded of such defendant or defendants respectively, for so much had and received, for the use of the commissioners of the court of requests for the *Tower Hamlets*; and if the plaintiff or plaintiffs shall recover in such action or actions, he or they shall be intitled to his or their full costs, and shall have the like remedy for the same by law as plaintiffs have for recovery of costs in other cases.

XI. And be it further enacted by the authority aforesaid, That upon payment or recovery of the monies which shall be sued for, or due from the said clerks, or from the representative or representatives of any deceased clerk or clerks, in manner as aforesaid, the bond or bonds which was or were entered into by such clerk or clerks, and their respective sureties, to the said commissioners, upon his or their being chosen such clerk or clerks of the said court, shall be, and is and are hereby declared to be void and of no effect, and shall be delivered up to be cancelled; and such clerk and clerks, and the several other obligors or sureties in the said bonds mentioned respectively, shall thereupon be fully and absolutely released and discharged from their said respective bonds or obligations, and of and from all claims and demands by the suitors, or any other person whatsoever, for or on account of the monies so recovered or paid as aforesaid.

Bonds entered into by the clerks, and their sureties, to be delivered up and cancelled, when the money in the hands of the said clerks is recovered.

XII. Provided always, and be it further enacted, That when and so soon as the said monies, or any part thereof, shall be recovered as aforesaid, the said commissioners shall, and are hereby required to lay out and invest the same in three *per centum* consolidated bank annuities, or in some other government security, in the name of any three persons to be chosen, by the said commissioners, or the major part of them, at any such general meeting, as trustees for that purpose; and such three trustees, and their successors, to be appointed as by this act is directed, shall stand and be possessed of the same for the uses and purposes hereinafter mentioned.

Money now in the hands of clerks, &c. belonging to the suitors, shall (when recovered) be placed out on government security.

XIII. And be it further enacted by the authority aforesaid, That if any person or persons intitled to any of the money so already paid into the said court upon the account aforesaid, and which is directed to be laid out and invested in manner above-mentioned, shall at any time after the passing of this act demand the same of the said commissioners, or any three or more of them, when in court, the same shall be a charge upon the said money so laid out and invested in manner as aforesaid; and the said commissioners, or any three or more of them, shall, and are hereby required to order the money which shall be so demanded to be paid to the person or persons intitled to receive the same, immediately after such demand shall be made, and the same shall thereupon be paid to such person or persons accordingly, by the treasurer or treasurers appointed or chosen as aforesaid, from any sum or sums of money in his or their hands; and the said commissioners shall, and are hereby required to direct so much stock to be sold, as shall be necessary

If the suitors demand their money after it is so invested, the treasurer to pay it, and to sell as much stock as will replace the same.

to replace the same, from time to time, as the said commissioners shall think fit.

If the money which shall be hereafter paid into court is not claimed by the suitors within six years after it is paid in, the commissioners may place it on government security

but if claimed by such suitors after the expiration of six years shall be paid to them immediately.

The interest and dividends of the money placed out by the commissioners shall be applied towards the repair, &c. of the court-house.

And as to all such money as shall or may be hereafter paid into the said court for or on account of the suitors thereof, (and which shall not be demanded and taken out of the said court, within the term of six years after the same shall have been so paid in,) be it enacted by the authority aforesaid, That the said commissioners shall, and are hereby required, at the expiration of the said six years next after such monies shall have been so paid in as aforesaid, to lay out, and invest the same from time to time in the purchase of three per centum consolidated bank annuities, or some other government security, in the name of any three persons, to be chosen by the said commissioners, in manner as by this act is directed with respect to the said monies which have been already paid into the said court; and their successors to be in like manner chosen or appointed as trustees for that purpose, and if any person or persons intitled to any of the money which shall be so hereafter paid into the said court upon the account aforesaid, and which shall not have been demanded until after the expiration of such six years, shall at any time afterwards demand the same of the said commissioners, or any three or more of them, when in court, the said commissioners, or any three or more of them, shall, and are hereby required to order the money which shall be so demanded, to be paid to the person or persons intitled to receive the same, immediately after such demand shall be made, and the same shall thereupon be paid to such person or persons accordingly, by the said treasurer or treasurers, from any sum or sums of money in his or their hands; and the said commissioners shall, and are hereby required to direct so much of the money, so to be laid out and invested after the expiration of such six years, to be sold, as shall be necessary to replace the same, from time to time, as the said commissioners shall think fit, until the whole thereof shall be so applied and disposed of; any thing in this or the said former act contained to the contrary notwithstanding.

XV. Provided always, and be it further enacted by the authority aforesaid, That the interest and dividends, as well of the said money already paid into the said court, and hereby authorized to be sued for and invested as aforesaid, as of all such other money as shall or may at any time hereafter be paid into the said court upon the account aforesaid, (and which shall be laid out and invested in any government security, at any time after the expiration of six years from the time of paying in the same, as by this act is directed), or so much thereof as shall remain unclaimed by the said suitors of the said court, as aforesaid, shall from time to time be paid and applied in repairing, and keeping in repair, the said court-house and offices hereby authorized to be built as aforesaid, and for insuring the same, and defraying all taxes and other expences attending the said court-house and offices, in such manner as they the said commissioners, or the major part of them at any general meeting

or meetings to be held as by this act is directed, shall from time to time judge necessary for those purposes respectively.

XVI. And be it further enacted by the authority aforesaid, That when and as often as any one or more of the said three trustees in whom or in whose name the said monies shall by the authority of this act be laid out and invested respectively as aforesaid, shall happen to die, the said commissioners, or any seven or more of them, at any general meeting to be held as by this act is directed, shall, and are hereby required, by writing under their hands and seals, to appoint one other person or persons to be a trustee or trustees, in the room of him or them so dying, and thereupon such new trustee or trustees shall, together with the survivor or survivors of the said trustees first chosen, and their successors, stand and be possessed of the said monies, so placed out and invested, upon the trusts and for the purposes above-mentioned of and concerning the same, and whenever any one of the said three trustees shall happen to die, the first or original number of three shall from time to time be filled up in manner as aforesaid.

In case the Trustees, in whose names the money shall be placed out at interest, shall die, the commissioners to appoint others.

XVII. And be it further enacted by the authority aforesaid, That the said commissioners, at any general meeting to be held as aforesaid, or the major part of them assembled at such meeting, shall and may, and are hereby required to elect and choose one or more person or persons to be treasurer or treasurers for the receipt of the said additional sums of money, hereby charged upon the several fees above particularly mentioned, and of all monies which shall, at any time after the passing of this act, be paid for or on account of the purchase of any annuity or annuities, and other the purposes of this act; and the said treasurer or treasurers shall continue in his or their office, until another shall be chosen in his or their room.

Commissioners may choose a treasurer.

XVIII. And be it further enacted, that the clerks of the said court shall account to the said commissioners, or any seven or more of them, once in every year, or oftener, if they shall be required so to do by the said commissioners, or any seven or more of them, at any such general meeting or meetings as aforesaid, for all the said additional sums charged upon the said fees, and for all monies which shall be so paid into the said court as aforesaid; and shall from time to time pay all the said monies, (except the sum of one hundred pounds, which shall always be left in the hands of the said clerks, to answer the claims of the said suitors), and the said additional sums upon the said fees, to the said treasurer or treasurers, whensoever they shall be required so to do by the said commissioners, at any such general meeting or meetings as aforesaid; or by any seven or more of them assembled at any such meeting or meetings.

Clerks to account to the commissioners for additional sums to the fees, and for monies paid into court by the suitors.

XIX. And be it further enacted, That the said commissioners assembled at any such general meeting or meetings as aforesaid, or any seven or more of them, shall and may, and are hereby required to take sufficient security of such treasurer or treasurers to be elected and chosen as aforesaid, by bond, or

Commissioners to take security of the treasurer;

who shall account for all monies received, &c.

otherwise, to the said commissioners, or any seven or more of them, in any sum not less than two thousand pounds, for the accounting and due payment, by such treasurer or treasurers, of all monies which shall come to his or their hands, and for the delivery of all books, papers, and writings, to any succeeding treasurer or treasurers; and the said commissioners, or any fifteen or more of them, assembled at any such general meeting, may discharge or remove such treasurer or treasurers from his or their said office: and every such treasurer or treasurers shall account annually, or oftener, if thereunto required by the said commissioners, or any seven or more of them, at any such general meeting, for all monies by him or them received and paid, as such treasurer or treasurers as aforesaid, on fourteen days previous notice to be given or left at his or their house or houses, or most usual place or places of abode, for that purpose: and the said treasurer or treasurers, or his or their executors or administrators, shall well and truly pay all such monies, as shall appear to be remaining in his or their hands, on auditing or settling such accounts, and shall deliver over all books, papers, and writings, in his or their possession, custody, or power, belonging to the said commissioners, or to the said office of treasurer, to any succeeding treasurer or treasurers, when thereunto required by the said commissioners, or any seven or more of them, at any such general meeting as aforesaid.

Commissioners to take cognizance of debts for rent under 40 s.

XX. *And whereas there are great numbers of manufacturers and day-labouring people residing in the Tower Hamlets, who with their families occupy tenements, or parts of tenements, let by parol demise, and the expences of recovering of such rents by action at law, most commonly exceed the amount of the rent sued for, to the great injury of the landlords of such tenements, and the oppression of such occupiers; for remedy whereof, be it enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners to take cognizance of any debt or demand, under the value of forty shillings, for rent of any tenement, or part of a tenement, within the Tower Hamlets aforesaid, let by parol demise, (except the precinct of the Tower within;) and also for the said commissioners to hear and determine on such debts and demands, and to award execution, in the same manner as they are authorized to do for any other cause of action, any thing in the said former act contained to the contrary notwithstanding.*

No person to recover rent as aforesaid, unless he has been in possession of the premises, &c. 12 months preceding the time for which such rent is demanded.

XXI. Provided always nevertheless, That the said commissioners shall not take cognizance of any such demand or claim for rent, unless the person or persons making such demand or claim, or the person or persons in whose right such demand or claim shall be made, or under whom he or they shall claim, hath or have been in the actual possession of the said tenements, or in the actual receipt of rent for the said tenements, during twelve months immediately preceding the time for which such rent shall be so demanded; and provided also that no recovery of rent in the said court be accepted or given in evidence in support of the title of any person or persons, whatsoever,

whatsoever, to any lands, tenements, or hereditaments whatsoever.

XXII. Provided also, That nothing herein contained shall extend; or be construed to extend, to prevent any person or persons from making distress for or bringing any action or actions for rent, although the same shall not amount to the sum of forty shillings. This act not to prevent any person from distraining for rent.

XXIII. And be it further enacted by the authority aforesaid, That, from and after the passing of this act, in all cases whatsoever, whenever any debtor or defendant, residing within the jurisdiction of the said court, shall have been duly summoned to appear before the commissioners in the said court, according to the usual and accustomed manner of summoning persons for that purpose, and such debtor or defendant shall refuse or neglect to appear to such summons, it shall and may be lawful for the said commissioners, or any three or more of them, when assembled in the said court, upon due proof being made before them that such debtor or defendant was duly summoned in manner as aforesaid, to proceed to hear the cause or matter of complaint, touching or concerning such debt or debts, on the part of the plaintiff or plaintiffs only, and to make or pronounce thereon such order or orders, or judgement or judgements, in respect of the debt or debts demanded or sued for, as to them shall seem just and equitable: and the said commissioners, or any three or more of them, shall then fix upon and appoint some certain time and place, according to their discretion, for every such debtor or defendant to shew cause before the commissioners of the said court, or any three or more of them, against such order or orders, or judgement or judgements, so made and pronounced upon such hearing as aforesaid; at which time and place, or at any other subsequent court or courts, the said commissioners, or any three or more of them, shall have full power and authority by this act (whether such person or persons shall appear or shew cause, or not) upon proof, on the oath of one of the beadles of the said court, (that such order or orders, or judgement or judgements, or a copy thereof, had been delivered to such debtor or debtors, or left at his, her, or their usual place of residence, or abode, or working), to award execution thereupon, in like manner as by the said former act they are authorized to do in other cases: and the clerks and beadles of the said court are, in every such case, hereby authorized to take and receive the like fees, for the call of the defendant, and making, and serving or leaving of every such order as aforesaid, as they are authorized and empowered to take and receive for or upon any attachment, issued by virtue of or under this or the said former act. If defendant neglects to appear to the summons, the court may pronounce judgement in his absence; and shall appoint a certain time for him to shew cause against such judgement, &c.

XXIV. And be it further enacted by authority aforesaid, That no privilege shall be allowed to exempt any person from the jurisdiction of the said court of requests on account of his being an attorney or solicitor of any of the courts at *Westminster*, or of any other court whatsoever, but that all attorneys and sol- Attornies not exempt from the jurisdiction of the court.

licitors shall be subject to the several processes, orders, judgments, and executions of the said court of requests, in the said manner as any other persons are subject to the same by this of the said former act.

Directions for holding general meetings.

XXV. And be it further enacted by the authority aforesaid, That no general meeting shall be held as aforesaid for any of the purposes in this or the said former act, without the order of three or more of the commissioners, made upon one of the court-days in the said former act mentioned, whilst they shall be in court; which said order shall be in writing, and shall specify the particular time and place, and also the purpose of such general meeting, and shall be registered by the clerks then present in court, or one of them, and notice thereof in writing, or in print, shall be delivered to, or left at the usual place of abode of, all the said commissioners respectively, by the beaules of the said court, or by any other person or persons the commissioners requiring such general meeting shall direct, four days at least before the holding of each and every such general meeting respectively.

No victualler &c. capable of acting as a commissioner.

XXVI. And be it further enacted, That no victualler, or person or persons whosoever, who shall sell ale, beer, or spirituous liquors by retail, shall be capable of acting as a commissioner in the execution of this or the said former act.

Expences of this act how to be paid.

XXVII. And be it further enacted, That all the charges and expences of procuring and passing of this present act shall be paid satisfied and discharged, out of the first monies which shall be raised as aforesaid, by virtue or in pursuance of this act.

This act not to extend to the precinct of the Tower within, &c.

XXVIII. Provided always, That nothing herein contained shall extend, or be construed to extend, to the precinct of the *Tower within*; nor to restrain the ancient court of record held for and within the liberty of the tower of *London*, from holding plea of any personal action which shall arise within the said liberty, or to take away, alter, or abridge, any jurisdiction, authority, privilege, immunity, or exemption, which the chief governor of the tower, or his deputy or deputies, or any officer or minister or any inhabitants within the said liberty, enjoys, or enjoy, or ought to enjoy, by virtue of any law, usage, prescription, grant, charter, commission, or otherwise, any thing herein or in the said recited act contained to the contrary notwithstanding.

Limitations of actions.

XXIX. And be it further enacted by the authority aforesaid, That no action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, or on account of any order, determination, judgement, or decree of the said commissioners, until twenty days notice shall be given thereof in writing, to be left at the office of the clerks of the said court, or after sufficient satisfaction or tender thereof hath been made to the party or parties aggrieved, or after three calendar months next after the cause of action shall arise; and the defendant or defendants in such actions and suits, and every of them, may plead the general issue, and give this act and the special matter in evidence

General issue.

dence

dence at any trial or trials which shall be had thereupon : and if the plaintiff shall become nonsuited, or if a verdict or judgement shall be given for the defendant or defendants therein, then, and in either of the said cases, such defendant or defendants shall have double costs, and shall have such remedy for recovering the same, as any defendant or defendants may have for his, her, or their costs in any cases by law. Double costs.

XXX. And be it enacted by the authority aforesaid, That Public act. this act shall be deemed and taken to be a publick act ; and shall be taken notice of as such, by all judges, justices, and other persons whomsoever, without specially pleading the same.

C A P. LXIX.

An act for the more effectually preventing the pernicious practices of smuggling in this kingdom ; and for indemnifying persons who have been guilty of offences against the laws of the customs and excise, upon the terms therein mentioned.

WHEREAS, in defiance of the several laws of customs and excise already made, and of the penalties and provisions from time to time enacted for the punishment of offenders against such laws ; and notwithstanding the grace and clemency lately offered to persons who had been guilty of smuggling offences, great quantities of prohibited and uncustomed goods, and particularly of tea, foreign brandy, and other foreign spirits, continue to be illegally imported into and landed in this kingdom ; and such goods are run, carried, and conveyed, from the sea coasts through the country, as well by secret frauds and clandestine practices as by open force, and by gangs of daring and dissolute persons, armed with offensive weapons, and associated and assembled to carry into execution their evil and pernicious purposes, in subversion of all civil authority and power whatsoever : and whereas it is become highly necessary, for the preservation of the publick revenue, the protection of the fair trader, and the quiet and good order of the kingdom, that some further provisions should be made for the better preventing such illegal practices, and for deterring all persons from committing such offences, or from being aiding and assisting therein ; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first of day *August*, one thousand seven hundred and seventy-nine, where any foreign brandy or other foreign spirituous liquors shall be imported or brought into *Great Britain* or into any port, harbour haven, or creek thereof, from any part of *Europe*, in any vessel or cask which shall not contain sixty gallons at the least, (excepting only for the use of the seamen then belonging to and on board the ship or vessel in which the same shall be imported, not exceeding two gallons for each seaman), then not only the said brandy, and other foreign spirituous liquors, but also the ship or vessel in which the same shall be so imported, of whatever burthen the same

After Aug 1, 1779, if any foreign spirituous liquors shall be imported, from any part of Europe, in a vessel containing less than 60 gallons, the same shall be forfeited, with the ship, guns &c.

may (Exception)

may be, with all her guns, furniture, ammunition, tackle, and apparel, shall be forfeited and lost.

After Aug. 1, 1779, when any tea, coffee, or other goods, are liable to forfeiture for being found on board any ship coming from foreign parts, at anchor, &c. or hovering on the coasts, the said ship, if not above 200 tons, shall be forfeited, with her guns, &c. Recital of an act 8 Geo. I.

II. And it is hereby further enacted by the authority aforesaid, That, from and after the said first day of *August*, one thousand seven hundred and seventy-nine, when any tea, coffee, foreign brandy, or other foreign spirituous liquors, or any goods whatsoever, are liable to forfeiture for being found on board any ships or vessels coming or arriving from foreign parts, at anchor, or hovering within the limits of any of the ports of this kingdom, or within two leagues of the coasts thereof, or for having been discovered to have been within the limits of any port contrary to any act of parliament now in force, the ship or vessel, if coming or arriving from any part of *Europe*, on board which such goods shall be so found, together with all her guns, furniture, ammunition, tackle, and apparel, shall be forfeited, provided such ship or vessel doth not exceed the burthen of two hundred tons.

III. And whereas by an act, made in the eighth year of the reign of his late majesty King George the first, it was, amongst other things, enacted, That if any boat, wherry, pinnace, barge, or galley, rowing, or made or built to row, with more than four oars, should be found upon the water, or in any place within the counties of Middlesex, Surrey, Kent, or Essex, or in the river Thames, either above or below London Bridge, or within the limits of the ports of London, Sandwich, or Ipswich, such boat, wherry, pinnace, barge, or galley, with all her tackle and furniture, or the value thereof, should be forfeited, and the owner or owners thereof, or any person using or rowing the same, should also forfeit and loose the sum of forty pounds; in which act it was provided, that the said act should not extend to any barge or galley belonging to his Majesty, or any of the royal family, or to any long-boat, yawl, or pinnace, belonging to or used in the service of any merchant ship or vessel, or to any such boat, wherry, pinnace, barge, or galley, as should be licensed by the lord high admiral, or commissioners for executing the office of lord high admiral, or the major part of them for the time being, upon sufficient security to be given to his Majesty, his heirs and successors, by the owner or owners of such boat, wherry, pinnace, barge, or galley, as in the said act is directed, with condition that the same should not be made use of in the clandestine running of uncustomed and prohibited goods: and whereas it may be a means to prevent and discourage the pernicious practice of smuggling, if the like penalties, forfeitures, and restrictions, were extended to such boats and other vessels as are made or built to row, or are found rowing with more than six oars, within any other part of this kingdom; be it therefore enacted by the authority aforesaid, That, from and after the said first day of *August*, one thousand seven hundred and seventy-nine, the said in part recited act, and the several clauses, penalties, forfeitures, and restrictions, therein contained, (not altered by this act), so far as the same relate to boats, wherries, pinnaces, barges, or gallies, rowing, or made or built to row, with more than four oars, within the counties and places in the said act mentioned,

The said act, far as it relates to boats, barges, &c. built to row with more than four oars, within the counties there-in mentioned,

mentioned, shall extend, and be construed to extend, to all boats, wherries, pinnaces, barges, gallies, or other vessels whatsoever, rowing, or made or built to row, with more than six oars, which shall be found, either upon the land or water, within any harbour, port or place whatsoever, in any other part of *Great Britain*, or within two leagues of the coast thereof, subject nevertheless to the several exceptions relative thereto as in the said recited act is and are particularly provided.

shall be extended to boats, &c. built to row with more than six oars, in any part of *Great Britain*.

IV. Provided nevertheless, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to the commanders of any of his Majesty's ships or vessels, or vessels employed in the transport service, with respect to foreign spirituous liquors put on board them, to be issued by way of allowance to the respective ships companies, or troops put on board them.

This act not to extend to commanders, of his Majesty's ships, or transport vessels, &c. ;

V. Provided always, and be it enacted, That nothing in this act shall be construed to extend to boats commonly called *Tow-boats*, (used in towing ships or vessels) belonging to licensed pilots within the port and jurisdiction of the city of *Bristol*.

nor to tow-boats in the port of *Bristol*.

VI. And it is further enacted by the authority aforesaid, That the ships, vessels, and boats, forfeited by this act, shall and may be seized and arrested by any officer or officers of the customs or excise; and shall and may be prosecuted, condemned, and recovered, in the same manner as other ships and vessels are directed to be prosecuted, condemned, and recovered, by an act, made in the third year of the reign of his present Majesty, (intituled, *An act for the further improvement of his Majesty's revenue of customs, and for the encouragement of officers making seizures, and for the prevention of the clandestine running of goods into any part of his Majesty's dominions*); and that when any ship, vessel, or boat, liable to forfeiture by this act, which, by any act or acts of parliament now in force, is after condemnation liable to be burnt or destroyed, or to be used in his Majesty's service, shall be seized by any officer of customs or excise as forfeited, and the same shall not be thought fit or necessary to be used in his Majesty's service, it shall and may be lawful for the respective commissioners of customs and excise, after condemnation, to direct the hull of every such ship, vessel, or boat, to be broken up, and the materials of every such hull to be sold to the best advantage, and the produce thereof to be divided in the same manner as the produce of the tackle, furniture, and apparel, of ships, vessels, and boats, burnt and destroyed, is now directed to be divided; and no writ of delivery shall be granted out of the court of exchequer for any such ship, vessel, or boat, so seized by any officer of the customs or excise, and which by any former act relating to the customs or excise is directed to be burnt or destroyed, or to be used in his Majesty's service, and which is hereby liable to be broken up, unless the officer seizing the same shall delay proceeding to the trial and condemnation thereof for the space of three terms; and in that case, not without good security being given, in double the

Ships and boats forfeited by this act may be seized by any officer of customs or excise.

When any ships, &c. shall be seized as are not fit for his Majesty's service, their hulls may be broken up and sold.

In what cases writs of delivery may be granted out of the exchequer for such ships, &c.

value of such ship, vessel, or boat, to return the same upon redemption, in order to be broken up, or used in his Majesty's service.

Penalty of 300 l on the master of any ship coming from abroad having more than 100 pound, of tea on board, (not being an East India ship), or more than 300 gallons of foreign spirits (includes two gallons for each human on board), being in casks under 60 gallons

Officers of customs or excise may arrest such masters, &c,

VII. And be it further enacted by the authority aforesaid, That, from and after the said first day of *August*, one thousand seven hundred and seventy-nine, in all cases where the officers of customs or excise shall discover and find on board any ship or vessel, coming and arriving from foreign parts, within the limits of any of the ports of this kingdom, more than one hundred pounds weight of tea, not being in ships belonging to or employed by the united company of merchants of *England* trading to the *East Indies*; or more than one hundred gallons of foreign brandy, or of other foreign spirituous liquors, over and above the quantity of two gallons for every seaman then belonging to and on board such ship or vessel, and being in casks under sixty gallons; the master, or other person having or taking the charge of such ship or vessel, shall forfeit the sum of three hundred pounds; and it shall and may be lawful in such case for any officer or officers of the customs or excise, and for all other persons acting in their aid and assistance, and they and each of them is and are hereby authorized to arrest, take, and detain, the said master or other person so having the charge or command of such ship or vessel, and to carry and convey the person so taken before any one of his Majesty's justices of the peace, residing near to the place where such ship or vessel shall then be, or where such person shall be arrested and taken; and the person so carried and conveyed shall be obliged to enter into a recognizance to his Majesty, his heirs and successors, before such justice, in the sum of three hundred pounds, (which recognizance such justice is hereby authorized and required to take), with condition to enter an appearance in the courts of exchequer in *England* and *Scotland* respectively, within the first four days of the term next ensuing such arrest, to any information which shall or may be exhibited against him; and such justice shall, and he is hereby required forthwith to transmit every such recognizance to the King's remembrancer in such of the said respective courts, and if such person shall refuse to enter into such recognizance as aforesaid, then such justice shall commit such person to the next county gaol, there to remain until he shall enter into such recognizance.

After Aug 1, 1779, officers of customs or excise, and their assistants, may arrest all persons found on board any ship or vessel, coming from abroad, having more than 100 pounds of tea on board, (not being an East India ship), or more than 300 gallons of foreign spirits (includes two gallons for each human on board), being in casks under 60 gallons

VIII. And it is further enacted by the authority aforesaid, That, from and after the said first day of *August*, one thousand seven hundred and seventy-nine, it shall and may be lawful for any officer or officers of the customs or excise, and for all other persons acting in their aid and assistance, to arrest, stop, and detain, all and every person and persons who shall be found acting or assisting in unshipping to be laid on land any tea, foreign brandy, or other foreign spirituous liquors, or any goods or merchandizes whatsoever, (customs and other duties not being first paid, or secured,) or which are or may be prohibited to be imported into this kingdom; and such officer or officers, and all persons

persons acting in their aid and assistance, shall forthwith carry and convey the said person or persons before one or more of his Majesty's justices of the peace residing near to the place where such offences shall be committed; and such justice or justices shall, if he or they see cause, commit such person or persons to the next county goal, there to remain, without bail or mainprize, until the next general quarter sessions of the peace to be holden for the same county or place, to be tried and dealt with as by this act is herein-after directed.

them before a justice, who may commit them.

IX. And be it further enacted by the authority aforesaid, That, from and after the first day of *August*, one thousand seven hundred and seventy-nine, if any persons, or the number of two or more in company, shall be found passing in any part of this kingdom with one or more horse or horses, or with any cart or carriage, whereon there shall be laden or put more than six pounds weight of tea, or foreign brandy, or other foreign spirituous liquors, exceeding the quantity of five gallons, not having paid the respective duties by law charged thereon, and not having an authentic permit or permits with the same; and shall carry any offensive arms or weapons, or wear any vizard, mask, or other disguise, when passing with such tea, or foreign spirituous liquor, as aforesaid; it shall and may be lawful for any officer or officers of the customs or excise, and all other persons acting in their aid and assistance, to stop, arrest, and detain, the person and persons so passing as aforesaid, in whole charge, care, custody, or possession, the said tea, foreign brandy, or other foreign spirituous liquors, or either of them, shall then be found and the said officer and officers, and the persons acting in their aid and assistance, shall and may, and they are hereby authorized to convey the person or persons, so offending as aforesaid, before any one or more of his Majesty's justices of the peace; who, if he or they see cause, shall commit the offender or offenders to the next county goal, there to remain, without bail or mainprize, till the next general quarter sessions of the peace of the county or place, to be tried and dealt with as by this act is herein-after directed.

Two or more persons travelling together armed, or in disguise, with any horse or carriage laden with more than six pounds of tea, or five gallons of foreign spirits, without a permit,

may be arrested by any officers of customs or excise, and carried before a justice,

who may commit them.

X. And be it further enacted by the authority aforesaid, That if, from and after the said first day of *August*, one thousand seven hundred and seventy nine, any person or persons whatsoever shall assault, resist, oppose, molest, obstruct, or hinder, any officer or officers of the customs or excise in due seizing or securing any coffee, tea, cocoa-nuts, chocolate, foreign brandy, or other foreign spirituous liquors, or any other goods whatsoever which by any officer or officers of the customs or excise shall or may be liable to be seized by virtue of or in pursuance of any act now in force; or shall by force or violence refuse, or shall refuse to be rescued, any of the said goods, after the same shall have been seized by such officer or officers as aforesaid, or shall attempt or endeavour so to do; or, after such seizure, shall cut, break, or otherwise destroy or damage, any cask, vessels, boxes, or package, wherein the same respectively shall be contained, it shall and may be lawful to and for the officers of the

Any person, after Aug. 1. 1779, who shall obstruct any officer of customs or excise in seizing or securing any goods,

or shall attempt to rescue the same;

or shall damage any cask, &c. in which such goods shall be contained;

customs

may be arrested by the officers, &c. and carried before a justice, who may commit the offender.

Officers to enter into recognizance to prosecute.

Charges of prosecution to be paid by receiver-general of customs or excise. Persons committed as aforesaid to be tried by the quarter sessions;

who on conviction, shall commit the offender to hard labour in the house of correction of the county, &c.

If such person shall be deemed a proper person to serve his Majesty by land or sea, the justices shall deliver him over to the proper officer.

customs and excise, and for all persons acting in their aid and assistance, to stop, arrest, and detain, all and every the person and persons so offending, and him, her, or them, forthwith to carry and convey before one or more of his Majesty's justices of the peace, near to the place where the offence shall be committed or done; and the justice or justices shall, if he or they see cause, commit the person or persons, so brought before him or them, to the next county gaol, until the next general quarter sessions of the peace to be holden for the same county or place, there to be tried and dealt with as by this act is herein-after directed.

XI. And be it further enacted by the authority aforesaid, That the officer or officers who shall convey any offender, arrested by the authority of this act, before any justice of the peace as aforesaid, shall, in case such offender shall be committed to the county gaol as aforesaid, enter into a recognizance to his said Majesty, his heirs and successors, before such justice, in the sum of forty pounds, conditioned to appear at such general quarter sessions of the peace, and to prosecute the person so committed; and the commissioners of customs and excise respectively are hereby directed and required to order the charges of such prosecution to be paid out of any money in the hands of the receiver-general of the customs and excise respectively, arising by any branch of the revenue under their respective management.

XII. And be it further enacted by the authority aforesaid, That where any person or persons shall be arrested, detained, and committed as aforesaid, for any offence against this act, to any county gaol, there to remain until the next general quarter sessions as aforesaid, it shall and may be lawful for the justices at such sessions, and they are hereby authorised and required to examine, hear, try, and determine, all and every such offence and offences; and if the person or persons so committed as aforesaid, shall be duly convicted before them of any offence against this act, then, and in every such case, it shall and may be lawful for the said justices, at such general quarter sessions, and they are hereby respectively authorised and required, in lieu of any other punishment to which such offender or offenders might be liable for the same offence by any former act, to commit such person or persons to hard labour in the house of correction of the county, city, town, or place, there to remain for a term not exceeding three years, nor less than one year.

XIII. Provided always, That if any person so convicted shall be approved of by any officer of his Majesty's land forces or fleet, as an able and proper person to serve his Majesty, it shall and may be lawful for the said justices, at such general quarter sessions, and they are hereby respectively authorised and required, in lieu of any other punishment to which such offender may be liable by this or any former act for the same offence or offences, to order and adjudge every such offender to serve his Majesty as a soldier or sailor, and to cause such man to be delivered over to such officer of his Majesty's land forces or fleet, such

such officer giving a receipt under his hand acknowledging what men are so delivered to him, which receipt such officer is hereby required to give; and such officer may, in case he shall find it necessary, detain such man in some secure house or place; and no person so delivered in pursuance of this act shall be liable to be taken out of his Majesty's service by any process other than for some criminal matter.

XIV. And be it further enacted by the authority aforesaid, That if the said justices in their sessions shall not be attended, at the time of convicting such offender or offenders as aforesaid, by some proper officer of his Majesty's land forces or fleet, it shall and may be lawful for the said justices to adjourn themselves to some other convenient day, and to give such directions as they shall think proper for securing such offenders as aforesaid, and to cause notice to be given to any such officer of the day and place of such adjournment; and such officer is hereby required to attend, or appoint some other person to attend, the said justices at such adjournment, and to receive such persons as they shall adjudge or order to be so delivered as aforesaid, in case such officer shall approve of such person or persons as able and proper to serve his Majesty in manner aforesaid.

If justices, at the time of convicting any such offender shall not be attended by a proper officer, they may adjourn, and give notice thereof to officer, who shall attend in person or by deputy.

XV. And it is hereby further enacted by the authority aforesaid, That it shall and may be lawful for the said justices to impose upon any gaoler, or keeper of any house of correction, or of any prison, who shall suffer any person, committed to his custody in pursuance of this act, to escape, or upon any constable, headborough, tithingman, or parish or town officer, for every wilful neglect or default in the execution of any warrant, order, or precept, to them, or any of them, directed in pursuance of this act, a fine not exceeding ten pounds, and to cause every such fine to be levied by distress and sale of the offender's goods, rendering the overplus (if any) to the owners, and to pay the said fine to the informer or informers.

Justices may levy a fine upon gaoler, &c. for suffering an escape or on parish-officers for making default in execution of warrants, &c.

XVI. And be it further enacted by the authority aforesaid, That the justices, upon such conviction as aforesaid, and delivery of such persons to such officer or officers receiving such persons as aforesaid, shall cause the second and sixth sections of the articles of war against mutiny and desertion to be read to the person so to be delivered as aforesaid, in the presence of the said justices; and the said justices shall tender to every such person the oath mentioned in the third section of the articles of war; and the said justices shall, and they are hereby required forthwith to certify under their hands, that such person or persons is or are ordered and adjudged to serve his Majesty, setting forth the name, age, parish, and last place of abode, of him or them respectively, if known, and that the second and sixth sections of the articles of war against mutiny and desertion were read to him or them, and that he or they had taken the oath mentioned in the said articles of war, or had refused to take the said oath; and shall deliver such certificate, together with such man or men, to the said officers or persons appointed to receive them,

The second and sixth sections of the articles of war against mutiny and desertion to be read to the persons delivered as aforesaid, and the oath tendered to them.

Justices to certify that such persons are adjudged to serve his Majesty, &c.

which certificate, together with such men, shall be

delivered to the proper officers, and they shall be thereupon deemed to be enlisted.

An entry to be made of the names, ages, and places of abode, &c. of the men so delivered, and of the names of the officers who received them, &c.

and such man or men shall thereupon be deemed and taken to be enlisted, to all intents and purposes whatsoever, and shall and may be proceeded against as if he or they had taken the said oath according to the said articles of war; and the said justices shall also forthwith cause an entry or memorial to be made, in a book or books to be kept by them, or by the clerks of the peace of the county or place, for that purpose, of the names of the men so delivered as aforesaid, the ages, parishes, and places of their last abode, if they can be known, and of the time and place when and where such men were delivered to the said officers or persons appointed to receive them, and the names of the officers or persons who received them, and for what regiment or company, or ship, they were so received; and shall cause true copies or duplicates of such entries attested by the said justices or the clerk of the place, within forty days after the delivering such men as aforesaid, to be transmitted into the office of the secretary at war, or into the office of the commissioners for executing the office of lord high admiral.

Persons adjudged to serve his Majesty by virtue of this act, (unless disabled by accident, &c.) shall not be discharged within five years, nor suffered to avoid actual service.

Officers of- sending here- in to be ca- shiered.

After Aug 1 1779, every druggist, grocer, or other Person, who shall sell coffee, tea, or cocoa nuts, or make or sell chocolate, shall cause to be painted over the door of his shop, &c. the words dealer in coffee, tea, &c. on penalty of 20s.

XVII. And, for the more effectually preventing any frauds or abuses that may be practised in the discharging of such persons, be it further enacted by the authority aforesaid, That no person who shall be ordered and adjudged to serve his Majesty as soldier or as a sailor, by virtue of this act, and shall have been approved of as aforesaid, shall, on any account, during the term of five years, unless disabled within that time by unavoidable accident or bodily infirmity, be discharged from his Majesty's service; and any officer of his Majesty's land forces, marines, or sea service, who shall presume, knowingly and wilfully, to discharge any person so raised, levied, and delivered over, as aforesaid, contrary to this act, or shall, by false muster or certificate, or in consideration of a gratuity of any kind, or by any other collusive or evasive ways or means whatsoever, suffer or permit any such person to avoid the actual service hereby intended, every such officer shall, for such offence, be cashiered.

XVIII. And, for the better preventing the clandestine sale and disposal of coffee, tea, cocoa-nuts, chocolate, foreign brandy, or other foreign spirituous liquors, whereby the illegal importation and running of such goods is greatly encouraged, and that innocent persons may not unwarily be rendered liable to penalties, be it further enacted by the authority aforesaid, That, from and after the first day of August, one thousand seven hundred and seventy-nine, every druggist, grocer, chandler, coffee-house keeper, chocolate-house keeper, and all and every other person or persons, who shall be a seller of, or dealer in, coffee, tea, cocoa-nuts, or of any or either of them, or shall be a maker or seller of chocolate, shall cause to be painted or written in large legible characters over the door of each and every shop, coffee-house, chocolate-house, and other place, by him, her, or them respectively made use of for the keeping coffee, tea, cocoa-nuts, or chocolate, the words *dealer in coffee, tea, cocoa-nuts, or chocolate*, as the case may be, upon pain of forfeiting the sum of two hundred

hundred pounds for every shop, coffee-house, chocolate-house, or place, which, from and after the said first day of *August*, one thousand seven hundred and seventy-nine, shall be so made use of by any such druggist, grocer, chandler, coffee-house keeper, chocolate-house keeper, or any other person or persons, who shall be a seller or dealer as aforesaid respectively, without having the said words painted or written thereon as aforesaid: And that, from and after the said first day of *August*, one thousand seven hundred and seventy-nine, all and every importer for sale, or dealer in foreign brandy, arrack, rum, spirits, or other foreign strong waters, who shall sell the same, either by wholesale or retail, shall cause to be painted or written in large legible characters, over the outer door, or in the front, or on some conspicuous part of each and every house, shop, warehouse, storehouse, cellar, vault, and other places by him, her, or them respectively, made use of for the keeping of foreign brandy, or other foreign spirituous liquors, the words *importer of*, or *dealer in, foreign spirituous liquors*, upon pain of forfeiting, for every such shop, warehouse, storehouse, cellar, vault, or other place, which, from and after the said first day of *August*, one thousand seven hundred and seventy-nine, shall be so made use of by any such importer, seller, or dealer respectively, without having the said words painted or written as is hereby directed, the sum of fifty pounds.

And every importer for sale, or dealer in foreign spirituous liquors, shall cause to be painted over the outer door, or in the front of his house, &c. the words *importer of*, or *dealer in, foreign spirituous liquors*, on penalty of 50^l.

XIX. And be it further enacted by the authority aforesaid, That if any dealer or dealers in tea, coffee, cocoa-nuts, or chocolate, shall buy or procure, or employ any person to buy for him, her, or them, or for his, her, or their use, any tea, coffee, cocoa-nuts, or chocolate, of any other person or persons than of a dealer in such commodities, over the door of whose shop, coffee-house, chocolate-house, and other place by him, her, or them respectively made use of for the keeping of coffee, tea, cocoa-nuts, or chocolate, shall be painted or written, as aforesaid, the words *dealer in coffee, tea, cocoa-nuts, or chocolate*, as the case shall be, every such dealer so offending shall forfeit and lose, for every such offence, the sum of one hundred pounds, over and above all former penalties; and if any importer or dealer in foreign spirituous liquors shall buy or procure, or employ any person to buy for him, her, or them, or for his, her, or their use any foreign spirituous liquors of any other person than of an importer or dealer, over the door of whose shop, warehouse, storehouse, cellar, vault, and other place, by him, her, or them respectively, made use of for the keeping of foreign brandy, and other foreign spirituous liquors, shall be written or painted, as aforesaid, the words *importer of*, or *dealer in, foreign spirituous liquors*; every such importer or dealer so offending shall forfeit, for every such offence, the sum of one hundred pounds, over and above all former penalties.

Additional penalty of 100^l. on every dealer in tea, coffee, cocoa-nuts, or chocolate, and on every dealer in foreign spirituous liquors, respectively, who shall buy any of the said goods or liquors of any person not having the words aforesaid printed over the door of his shop, &c.

XX. Provided always, That no such dealer in coffee, tea, cocoa-nuts, or chocolate, shall be subject to the said penalties of one hundred pounds for or by reason of any purchase or

Certain cases enumerated in which neither the dealer nor the transferers in coffee,

tea, cocoa-
nuts, cho-
colate,

nor the dealers
in foreign spi-
rituous li-
quors, shall be
subject to the
said penalty of
100 l.

Penalty on
persons, not
having made
proper entries
at the excise
office, who
shall paint
over their
doors, &c.
the words
afore-men-
tioned.

If any person,
not being such
importer or
dealer as a-
foresaid, shall
buy any tea,
coffee, &c. or
foreign spiri-
tus liquors,
except as be-

transfer of any tea, coffee, cocoa-nuts, whilst the same shall re-
main in the respective warehouses wherein the same shall be
lodged and put, according to the directions of an act, made in
the tenth year of the reign of his late Majesty king *George* the
first; nor by reason of any purchase of any tea, coffee, or cocoa-
nuts, or chocolate, at any sale or sales made by the direction of
the *East India* company, or of the commissioners of customs or
excise respectively; or at any sale made of any tea, coffee, or co-
coa-nuts, sold for the benefit of the insurers or proprietors there-
of, and which may be sold free of duty to defray the charges of
salvage; nor by reason of any first purchase of any prize teas:
nor shall any such dealer in foreign spirituous liquors be subject
to the said penalty of one hundred pounds by reason of the pur-
chase of any foreign spirituous liquors, whilst the same remain on
board the ships in which the same were lawfully imported, or
on the quays upon which they shall have been lawfully landed;
nor to the purchase of any rum whilst the same remains in any
warehouse wherein the same shall have been put, according to
the directions of the act of the fifteenth and sixteenth years of
the reign of his late majesty King *George* the second; nor to the
purchase of any arrack whilst the same remains in the ware-
houses of the united company of merchants of *England* trading
to the *East Indies*; nor to the purchase of any prize foreign spi-
rituous liquors; nor to the purchase of any foreign spirituous li-
quors sold for the benefit of the insurers or proprietors thereof,
and which may be sold free of duty to defray the charges of sal-
vage; any thing herein-before contained to the contrary notwith-
standing.

XXI. And be it further enacted by the authority aforesaid,
That if, at any time after the said first day of *August*, one thou-
sand seven hundred and seventy-nine, any person or persons
whatsoever, other than such as shall have duly made entry, at
the proper offices of excise, of the places by them respectively
made use of for keeping of coffee, tea, cocoa-nuts, or chocolate,
or for the keeping of foreign brandy, or foreign spirituous li-
quors, shall paint or write, or cause to be painted or written,
over the door or in the front of any place to them respectively
belonging, the words *dealer in coffee, tea, cocoa-nuts, or chocolate*,
as the case shall be, or the words *importer of, or dealer in spiritu-
ous liquors* every person and persons respectively offending there-
in, shall forfeit and lose the sum of fifty pounds, and shall also be
subject to the several penalties and forfeitures to which persons
selling of, or dealing in, coffee, tea, cocoa-nuts, chocolate, or
foreign spirituous liquors, without entry, are now subject unto.

XXII. And be it further enacted by the authority aforesaid,
That if any person whatsoever, not being such importer or deal-
er, as aforesaid, shall buy or procure, or employ any other to buy
for him or her, any tea, coffee, cocoa-nuts, chocolate, foreign
brandy, or any other foreign spirituous liquors, (save and ex-
cept at such sales, and in such manner as is herein-before provided
and excepted) of any other person or persons than of such person or
persons

persons respectively over whose door, or in the front, or on some conspicuous part of whose house, shop, warehouse, storehouse, cellar, vault, or other place, such words shall be painted or written as aforesaid; every such person so buying, or so procuring or employing any other to buy for him, her, or them, any such goods as aforesaid, shall, for each offence, forfeit and lose the sum of ten pounds; and if the person or persons, who shall have sold any tea, coffee, cocoa-nuts, or chocolate, foreign brandy, or other foreign spirituous liquors, to any dealer therein, or to any other person or persons, contrary to the true intent and meaning of this act, shall, within twenty days next after such sale, and before any information has been lodged against him or them for such offence, discover and inform against the person or persons who bought, or who procured or employed any other to buy for him, her, or them, such tea, coffee, cocoa-nuts, or chocolate, foreign brandy, or other foreign spirituous liquors, as aforesaid, every such person so discovering and informing shall thereupon be discharged and indemnified from all penalties to which, at the time of such information given, he might be liable, for or by reason of such his own offence.

XXIII. *And whereas by an act, made in the nineteenth year of the reign of his late majesty King George the Second, intituled, An act for the further punishment of persons going armed or disguised in defiance of the laws of customs or excise; and for indemnifying offenders against those laws upon the terms in this act mentioned; and for the relief of officers of the customs in informations upon seizures; and which said act was to continue in force for the space of seven years, and from thence to the end of the next session of parliament; and which, by several subsequent statutes, of the twenty-sixth and thirty-second years of the reign of his said late Majesty, and the fourth, eleventh, and eighteenth years of the reign of his present Majesty, was further continued until the twenty-ninth day of September, one thousand seven hundred and eighty-five, and from thence to the end of the then next session of parliament; persons charged with being guilty of offences in the said act mentioned and prescribed, were required to surrender themselves within a time limited by the said act, and that on neglect or refusal of surrender, such persons were to be adjudged, deemed, and taken to be convicted and attainted of felony: and whereas doubts have arisen whether the methods and orders in the said act directed and prescribed, relative to the apprehending and harbouring the offenders therein mentioned, or for causing such offenders to surrender, are or were re-enacted and continued by the said several acts: now, to put an end to such doubts, be it enacted and declared by the authority aforesaid, That all and every the methods, orders, directions, rules, proclamations, penalties, punishments, rewards, matters, and things, provided, ordered, settled, directed, imposed, given and required, by the said act of the nineteenth year of the reign of his said late majesty, relative to the surrender, proclaiming, apprehending, harbouring, and punishing such offenders, was, were, and are continued and re-enacted by the said several acts, made*

fore excepted,) of any person not having the aforesaid words painted over his door, &c. he shall forfeit 10*l*.

If the seller of any tea, &c. contrary to this act shall within 20 days, and before any information has been lodged against him, inform against the buyer, the said seller shall be indemnified from all penalties for his own offence.

Recital of an act 19 Geo. 2.

All the rules, penalties, and rewards, in the recited act contained, relative to the surrender, and harbouring, &c. of the offenders there-

in mentioned,
are continued
by the several
acts made for
continuing the
said recited
act.

in the twenty-sixth and thirty-second years of the reign of his said late Majesty, and in the fourth, eleventh, and eighteenth years of the reign of his present Majesty, and the same may be lawfully exercised, practised, applied, used, and, imposed, in regard to all and every person and persons that offend, or shall in future offend, against the said act of the nineteenth year of his said late Majesty.

All foreign
thread lace,
imported after
Aug. 1, 1779,
to be marked
at each end of
every piece.

XXIV. And it is hereby further enacted by the authority aforesaid, That all foreign thread lace which, from and after the first day of *August*, one thousand seven hundred and seventy-nine shall be imported into this kingdom, shall, after the same hath been entered at the custom-house, and before it shall be discharged by the officers, and delivered into the custody of the importer, or his agent, be marked or sealed at each end of every piece, with such mark or seal, and by such officer or officers, as the respective commissioners of the customs in *Great Britain* shall direct and appoint for that purpose.

All persons
possessed of fo-
reign thread
lace may, on
or before Feb.
1, 1780, bring
the same to
the nearest
custom-house,
and have it
marked, on
making oath
that the im-
port duties
were paid, &c,

XXV. And it is hereby further enacted by the authority aforesaid, That if any person or persons, having in his, her, or their custody or possession, in any part of this kingdom, for sale, and any foreign thread lace so directed to be marked or sealed as aforesaid, shall, on or before the first day of *February*, one thousand seven hundred and eighty, bring or cause such lace to be brought to the custom-house for the port nearest to the place where such lace shall be, and shall make proof on oath before the collector and comptroller, or other principal officer of the customs at such port, (which oath such collector and comptroller, or other officer, is and are hereby required to administer without fee or reward), that the legal duties due and payable to his Majesty were paid upon the importation of such lace, if the same was imported by him, her, or them, or that such lace was purchased by such person or persons (having possession thereof) in a legal fair way of trade, and that he, she, or they, verily believe the legal duties due and payable to his Majesty have been duly paid for the same, mentioning the time when, and the port where, such lace was imported, or the time when, and of whom, such lace was purchased, as the case may be, such lace shall be thereupon, without fee or reward, marked or sealed at each end of every piece with such mark or seal, and by such officer or officers, as the respective commissioners of the customs in *Great Britain*, or any three or more of them, shall direct and appoint for that purpose.

Persons in-
tending to
export such
lace, to give
notice to pro-
per officer,

XXVI. And be it further enacted by the authority aforesaid, That, from and after the said first day of *August*, one thousand seven hundred and seventy-nine, every person intending to export any such foreign thread lace which shall have been marked or sealed pursuant to the directions of this act, shall, before such lace is shipped in order to be exported, give notice to the proper officer or officers, to be appointed for that purpose by the respective commissioners of the customs in *Great Britain*, when and where he will pack up the same in order to be exported; and

and the said commissioners of the customs are hereby empowered who is to see that the marks and required to cause such officer or officers to take care that the marks and seals be taken off from every piece intended to be exported, without fee or reward; and no person shall be entitled to the drawback allowed upon the exportation of such lace, unless he shall have given such notice as herein before is directed, and until such marks or seals shall be taken off by the proper officer or officers as aforesaid.

XXVII. And be it further enacted by the authority aforesaid, That, from and after the first day of February, one thousand seven hundred and eighty, in case any foreign thread lace shall be found in any shop, warehouse, or other place whatsoever, upon land, within this kingdom, not being marked or sealed, as therein before is directed, upon both ends of every whole and entire piece, or upon one end of every remnant of such lace, the same shall be forfeited and lost, and shall and may be seized by any officer or officers of the customs, and shall and may be prosecuted, recovered, and disposed of in the same manner, and by the same rules and regulations, as foreign thread lace, clandestinely imported and run into this kingdom, may be prosecuted, recovered, and disposed of, by any law now in force.

XXVIII. And be it further enacted by the authority aforesaid, That if any person or persons shall at any time forge or counterfeit any mark or seal, to resemble any mark or seal which shall be provided or used in pursuance of this act, or shall forge or counterfeit the impression of any such mark or seal upon any goods required by this act to be marked or sealed, or shall sell, or expose to sale, or have in his, her, or their custody or possession, any such foreign thread lace with a counterfeit mark or seal thereon, knowing the same to be counterfeited; all and every such offender and offenders, and his, her, and their aiders, abettors, and assistants, shall, for every such offence, forfeit the sum of one hundred pounds, one moiety to his Majesty, and the other moiety to such officer or officers of the customs as shall sue and prosecute for the same; and such offender and offenders shall also be adjudged to stand in the pillory, in some publick place, for the space of two hours.

XXIX. And whereas, at the same time that the laws for securing the revenues of customs and excise ought to be enforced, for the sake of the fair traders, and the honour and dignity of government, it may be proper to pardon such of those who have been heretofore guilty of such illegal practices, who are desirous to make such atonement for their past offences, by dedicating themselves to the service of their King and country, be it therefore enacted by the authority aforesaid, That every person who, before the first day of June, one thousand seven hundred and seventy-nine, shall have been guilty of illegal running, loading, unshipping, concealing, receiving, or carrying, any wool, prohibited goods, wares or merchandizes, or any foreign goods liable to the payment of duties of customs or excise, (the same duties not having been paid or secured), or of aiding or assisting therein, as shall have been

who is to see that the marks and seals be taken off from every piece intended to be exported, without fee or reward; and no person shall be entitled to the drawback allowed upon the exportation of such lace, unless he shall have given such notice as herein before is directed, and until such marks or seals shall be taken off by the proper officer or officers as aforesaid.

All foreign thread lace found in this kingdom, not being marked or sealed, as therein before is directed, upon both ends of every whole and entire piece, or upon one end of every remnant of such lace, the same shall be forfeited and lost, and shall and may be seized by any officer or officers of the customs, and shall and may be prosecuted, recovered, and disposed of in the same manner, and by the same rules and regulations, as foreign thread lace, clandestinely imported and run into this kingdom, may be prosecuted, recovered, and disposed of, by any law now in force.

Penalty on counterfeiting any mark or seal used in pursuance of this act, or on having in possession any foreign thread lace marked or sealed with such counterfeit.

Every person who, before June 1, 1779, shall have been guilty of any offence against the laws of the customs or excise, and for which no prosecution has been commenced, is indemnified by this act, on the conditions following: *videlicet*,

armed with fire-arms, or other offensive arms, or weapons, in order to be aiding or assisting any such offenders as have been guilty of receiving such goods, wares, or merchandizes, or such foreign goods as aforesaid, where duties had not been paid for or secured, after seizure from the officers of the customs or excise, or of any other act or matter whatsoever whereby persons may be deemed and taken to be runners of foreign goods and commodities, within the intent and meaning of any law now in force; or of hindering, opposing, obstructing, wounding, or beating, any officer or officers of the customs or excise, in the execution of his or their office or duty, or of aiding or assisting therein; shall be, and are, by the authority of this present act, acquitted, indemnified, released, and discharged, against the King's majesty, his heirs and successors, or officers of the customs or excise, and every of them; and all and every other person and persons, of and from all and every the said offences, concerning which no suit or information, or prosecution, shall have been commenced, or composition made or offered, before the said last day of June, one thousand seven hundred and seventy-nine, upon the following terms and conditions; (that is to say), that he do before he shall be arrested for the same, and before the twenty-ninth day of September, one thousand seven hundred and seventy-nine, enlist or enter himself with some commission officer of his Majesty's land forces or fleet, to serve as a soldier or sailor in the army or fleet, and do, for three years at least, from the time of such enlisting or entry, actually and bona fide serve and do duty as such in the said army or fleet; and shall also, before the said twenty-ninth day of September, one thousand seven hundred and seventy-nine, register his name, employment, and usual place of abode, with the clerk of the peace of the county, riding, or division, where he resides, in a book which is hereby directed to be kept by the said clerk among the records of the sessions for the said county, riding, or division, for this purpose; and shall sign such register, signifying that he claims the benefit of this act, and that he has enlisted or entered himself with a certain commission officer, by the name of his Majesty's land forces or fleet, as the case shall be, to serve as a soldier or sailor, which entry shall be in the following form:

That, before Sep 29, 1779, and before he shall be arrested for such offence, he enter himself to serve as a soldier or sailor for three years, and do duty as such; and shall also, before Sept. 29, 1779, register his name &c with the clerk of the peace, and sign such register.

Form of entry.

A. B. of the ninth year of his majesty King George the Third, and has entered himself with C. D. a commission officer of his Majesty's land forces [or fleet], and has registered his name in the book kept by the clerk of the peace of this county, (riding, or division), this day of the said act.

al. Thus the benefit of an act of the ninth year of his majesty King George the Third, and has entered himself with C. D. a commission officer of his Majesty's land forces [or fleet], and has registered his name in the book kept by the clerk of the peace of this county, (riding, or division), this day of the said act.

for which entry or register, there shall be paid the clerk of the peace for such county, riding, or division, one shilling, and no more; and that the said clerk of the peace shall, immediately after

1779.] Anno decimo nono GEORGE III. c. 69.

After the said twenty-ninth day of September, one thousand seven hundred and seventy-nine, transmit to the commissioners of the customs and excise an exact account of all the persons who have, by such entry or register as aforesaid, entitled themselves to claim the benefit of this act.

XXX. Provided always, That every person who shall make such entry, and claim the benefit of this present act as aforesaid, and shall afterwards be guilty of, or commit any of the like offences as those herein before mentioned; or hereby intended to be acquitted, released, and discharged, or shall at any time after desert from the said service, or, within the said term of three years, procure his discharge therefrom, shall be subject and liable to be prosecuted, not only for or in respect of such new offence, but shall also be subject and liable to all the fine penalties, pains, and forfeitures, as he would have incurred or been subject and liable to, in case this indemnity had never been given; any thing herein contained to the contrary notwithstanding.

XXXI. Provided also, That if any officer of his Majesty's land forces or navy shall, by false muster or certificate, or by any other collusive or evasive ways or means whatsoever, suffer or permit such person or persons to avoid the actual service as aforesaid, such person shall not only lose the benefit of this act, but every such officer shall suffer the penalty of five hundred pounds.

XXXII. And be it further enacted by the authority aforesaid, That in case any officer of the customs or excise shall not use his best endeavours to seize any tea, coffee, foreign brandy, or other foreign spirituous liquors liable to forfeiture, and which it shall be the duty of such officer to seize, or to stop, detain, carry and convey before one or more justice or justices of the peace, any person or persons whom such officer is hereby authorized to stop, detain, and carry and convey before one or more justice or justices of the peace; that then, and in any of the said cases, it shall and may be lawful to and for any justice or justices of the peace residing near to the place where such officer shall make default in the performance of his duty, upon complaint thereof made to such justice within three months after such default, to examine into the truth of such complaint upon the oath of credible persons, which oath such justice is hereby authorized to administer; and if it shall appear to such justice that there is a reasonable ground for such complaint, then such justice is hereby required to transmit the said complaint, together with the examinations taken before him thereon, unto the commissioners of the customs, if the officer complained against shall belong to the customs; and if such officer shall belong to the excise, then unto the commissioners of excise; which commissioners of the customs and excise respectively, are hereby required to make enquiry, by such ways and means as to them shall seem meet, into the truth of the said complaint; and in case they shall find on the ground thereof to dismiss the officer, against whom such

mit to commissioners of customs, &c. an account of all persons who have registered their names. Penalty on persons claiming the benefit of this act, who shall afterwards be guilty of the like offences, or who shall desert, &c.

Penalty on officer suffering such persons to avoid actual service.

Any justice on complaint made to any justice of the peace, may examine into the same.

and if it shall appear reasonable ground for such complaint, then such justice is hereby required to transmit the said complaint, together with the examinations taken before him thereon, unto the commissioners of the customs, if the officer complained against shall belong to the customs; and if such officer shall belong to the excise, then unto the commissioners of excise; which commissioners of the customs and excise respectively, are hereby required to make enquiry, by such ways and means as to them shall seem meet, into the truth of the said complaint; and in case they shall find on the ground thereof to dismiss the officer, against whom such

And Act made Anno GEORGE III. c. 70. [1779.]

complaint shall be made, from his Majesty's service, then such officer is hereby made incapable of executing any office in his Majesty's revenue of customs or excise for the future: provided nevertheless, that no person shall be compelled to go above five miles from the usual place of his abode to be examined before any justice of the peace upon any complaint to be made to him as aforesaid.

No person
prosecuted un-
der this act,
liable to any
other prosecu-
tion for the
same offence.

XXXIII. And be it further enacted, That no person who shall be prosecuted or punished by any of the provisions in this act, shall be liable to be prosecuted or punished for the same offence by any other act or acts; any thing therein contained to the contrary notwithstanding.

Penalties and
forfeitures
shall be re-
covered and
applied.

XXXIV. And be it further enacted by the authority aforesaid, That all fines, penalties, and forfeitures, imposed by this act, (not otherwise hereby directed), shall be sued for, levied, and recovered, or mitigated, by such ways, means or methods, as any fine, penalty, or forfeiture, is or may be recovered or mitigated by any law or laws of excise, or by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster, or in the court of exchequer in Scotland; and that the moiety of every such fine, penalty, and forfeiture, shall be to his Majesty, his heirs and successors, and the other moiety to him or them who shall inform, sue for, or discover the same.

Limitations of
prosecutions.

XXXV. And it is hereby further enacted by the authority aforesaid, That if any person or persons shall at any time, or times be sued or prosecuted for any thing by him or them done or executed in pursuance of, or by colour of, this act, or of any matter or thing in this act contained, such action or prosecution shall be commenced within the space of three months after the offence shall be committed; and such person or persons shall and may plead the general issue, and give this act and the special matter in evidence, for his and their defence; and that the same was done in pursuance and by authority of the said act: and if it shall appear, to have been done, then the jury shall find for the defendant or defendants; and if the plaintiff shall be non-suited, or discontinue his action after the defendant or defendants have appealed, or if judgement shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same, as the defendant or defendants hath or have in other cases by law.

General issue

to be pleaded

in evidence

for his and their defence

and may recover treble costs

and have the like remedy for the same

as the defendant or defendants hath or have in other cases by law

C A P. LXX.

Amend for extending the provisions of an act made in the twelfth year of the reign of King George the First, intituled, An act to prevent frivolous and vexatious arrests; and for other purposes.

WHEREAS in and by an act of parliament, made in the twelfth year of the reign of King George the First, (intituled, Geo. I. An act to prevent frivolous and vexatious arrests) it is enacted, That,

That, from and after the seventh day of July, one thousand seven hundred and seventy-nine, no person shall be held to special bail upon any process issuing out of any superior court, where the cause of action shall not amount to the sum of ten pounds, or upwards; nor out of any inferior court, where the cause of action shall not amount to the sum of forty shillings, or upwards; and whereas the power of arrest and imprisonment on mesne process issuing out of such inferior court, where the cause of action does not amount to ten pounds, is found by experience to be attended with much oppression, a great number of his Majesty's subjects; for remedy whereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of July, one thousand seven hundred and seventy-nine, no person shall be arrested or held to special bail, upon any process issuing out of any inferior court, where the cause of action shall not amount to the sum of ten pounds, or upwards; but that the like copies of process shall be served, (for the service of which process, a sum not exceeding two shillings and sixpence shall be allowed in cost), and the like proceedings shall be had thereupon in such inferior court, in all cases where the cause of action shall not amount to the sum of ten pounds, or upwards, as are directed to be had, by the said recited act, in such inferior court in all cases where the cause of action shall not amount to the sum of forty shillings; any law or usage to the contrary notwithstanding.

II. And be it further enacted, That, from and after the first day of July, one thousand seven hundred and seventy-nine, in all cases in such inferior court (having jurisdiction to the amount of ten pounds, or upwards) where the cause of action shall amount to ten pounds, or upwards, the like affidavit shall be made and filed of such cause of action, and the like proceedings shall be had thereupon, as are directed by the said recited act to be had, where the cause of action amounts to the sum of forty shillings, or upwards, in such inferior court.

III. And whereas divers acts of parliament have been passed for the recovery of debts within certain districts and jurisdictions, which may have authorized the arrest and imprisonment of defendants, where the cause of action amounts to less than ten pounds; be it enacted, That so much of such act or acts of parliament as gives such power shall be, and the same is hereby repealed.

IV. And, forasmuch as persons served with process issuing out of inferior courts, where the debt is under ten pounds, may, in order to avoid execution, remove their persons and effects beyond the limits of the jurisdiction of such courts; be it enacted by the authority aforesaid, That in all cases where final judgment shall be obtained, in any action or suit in any inferior court of record, it shall and may be lawful so and for any of his Majesty's courts of record to cause writs to issue, upon affidavit made and filed therein of such judgment being obtained, and of diligent search and enquiry having

After July 1, 1779, no person shall be arrested, or held to special bail, upon any process issuing out of an inferior court, for less than 10 l.

Proceedings in inferior courts in causes of 10 l. or upwards, shall be the same as by the recited act are ordered in causes of 40 s. or upwards.

So much of all acts for recovery of small debts, as authorizes imprisonment of defendants less than 10 l. repealed.

In all cases where final judgment shall be obtained in any inferior court, and affidavit made thereof in any court of record.

Westminster,
and of execu-
tion having
issued against
the person or
effects of the
defendant,
and that the
same may not
be found with-
in the juris-
diction of the
interior court,
the record of
the said judg-
ment may be
removed into
the said su-
perior court, and
writs of execu-
tion there to
the sheriff of
any county,
&c.

having been made after the person or persons of the defendant or defendants, or his, her, or their effects, and of execution having issued against the person or persons, or effects, as the case may be, of the defendant or defendants, and that the person or persons, or effects, of the defendant or defendants are not to be found within the jurisdiction of such inferior court, which affidavit may be made before a judge or commissioner authorized to take affidavits in such superior court, to cause the record of the said judgement to be removed into such superior court, to issue writs or execution thereupon to the sheriff of any county, city, liberty, or place, against the person or persons, or effects, of the defendant or defendants, in the same manner as upon judgements obtained in the said courts at *W. & A.*, and the sheriff, upon every such execution, shall, and he is hereby autho- rized to detain the defendant or defendants, until the sum of twenty shillings be paid to him, or to levy the same out of the effects, according to the nature of the execution, for the extra- ordinary costs of the plaintiff or plaintiffs in the inferior court subsequent to the said judgement, and of the execution in the superior court, over and above the money for which such execu- tion shall be issued.

Upon what
conditions
execution shall
be stayed upon
any writ of
error, &c. for
reversing
judgement
given in an
inferior court,
where the dis-
satisfactions are un-
der 10 l.

V. Provided always, and be it further enacted by the autho- rity aforesaid, That, from and after the first day of *July*, one thousand seven hundred and seventy nine, no execution shall be stayed or delayed, upon or by any writ of error, or *superfideus* thereon to be sued, for the reversing of any judgement given, or to be given, in any inferior court of record, where the damages are under ten pounds, unless such person or persons, in whose name or names such writ of error shall be brought, with two sufficient sureties, such as the court (wherein such judgement is or shall be given) shall allow of, shall first, before such stay made or *superfideus* to be awarded, be bound unto the party for whom any such judgement is or shall be given, by recognizance, to be acknowledged in the same court, in double the sum adjudged to be recovered by the said former judgement, to prosecute the said writ of error with effect, and also to satisfy and pay (if the said judgement be affirmed, or the said writ of error be non- proved) all and singular the debt, damages, and costs, adjudged or to be adjudged, and all costs and damages to be awarded for the same delaying of execution.

No cause un-
der 10 l. to be
removed into
a superior
court, unless
the defendant
become bound
to pay debt
and costs if
judgement
shall pass against

VI. Provided also, and be it further enacted, That no cause, where the cause of action shall not amount to the sum of ten pounds, or upwards, shall be removed or removeable into any superior court, by any writ of *habeas corpus*, or otherwise unless, the defendant, who shall be desirous of removing such cause, shall enter into the like recognizance for payment of the debt and costs, in case judgement shall pass against him.

for foreign troops, for 1779; 610,381*l*. 1*s*. 1*d*. for defraying the charge of the militia in South Britain, and three regiments of fencible in North Britain, for 1779; 85,769*l*. 17*s*. 2*d*. for the defraying the charge of clothing for militia in South Britain, for 1779; 5,411*l*. 18*s*. 6*d*. for defraying the charge of additional companies to militia in South Britain, for 1778; 2,656*l*. 4*s*. for defraying the charge of cloathing for additional companies of militia in South Britain, for 1778; 259,715*l*. 18*s*. 4*d*. for augmentations of his Majesty's forces, for 1779; 87,701*l*. 8*s*. 4*d*. to the reduced officers of the land forces and marines; 628*l*. 2*s*. 11*d*. to the two troops of horse guards reduced, &c; 103,127*l*. 14*s*. 2*d*. to the bur prisoners of Chatham hospital; 63,195*l*. 11*s*. 10*d*. for completing the whole charge of the pay of one regiment of light dragoons, and six regiments of foot, serving in America, for 1779; 19,584*l*. 2*s*. for a regiment of fencibles, to be raised in North Britain, for 1779; 6,246*l*. 5*s*. 6*d*. to make good the charge of forming three regiments of light dragoons, of 211 men each, &c. 4,113*l*. 6*s*. 8*d*. for augmentation to a corps of royal highland emigrants, from May 25. to Dec. 24. 1779; 2,026*l*. 137*l*. 4*s*. 4*d*. 2*d*. for extraordinaries of land forces, from Jan. 31. 1778, to Feb. 1. 1779; 1,500,000*l*. for discharging exchequer bills of last session; 1,000,000*l*. for paying off the exchequer bills of last session; 500,000*l*. for paying off the other exchequer bills of last session; 32,968*l*. 2*s*. 8*d*. to make good to his Majesty the like sum issued in pursuance of the address of the house of commons; 3,150*l*. for the civil establishment of the island of St. John; 2,900*l*. for the civil establishment of Georgia; 4,796*l*. 10*s*. 5*d*. for supporting the civil establishment of Nova Scotia; 4,950*l*. for the civil establishment of East Florida; 4,900*l*. for the civil establishment of West Florida; 2,041*l*. 5*s*. for defraying expences attending surveys in North America; 6,995*l*. 12*s*. 11*d*. on account of new roads, &c. in the highlands of Scotland; 60,527*l*. 3*s*. 6*d*. for the relief of American civil officers, &c; 5,000*l*. for assisting the Levant company; 5,000*l*. to James Herkenhout and Thomas Clark, for the discovery of their method of dying scarlet, &c. 13,586*l*. 17*s*. to make good to his Majesty the like sum issued to Duncan Campbell, for the expence of confining, &c. convicts in the Thames. 40,540*l*. 9*s*. 4*d*. 2*d*. to the sinking fund, to make good the deficiency on July 5. 1778, &c.; 98,291*l*. 3*s*. 8*d*. to make good the deficiency of the fund for paying bounties granted last session; 66,744*l*. 4*s*. 3*d*. 3*d*. to make good the deficiency of grants for the service of the year 1778. The said aids to be applied only to the uses before mentioned. Rules to be observed in the application of the half-pay. By Act 18 Geo. 3. a sum not exceeding 90,939*l*. 15*s*. was appropriated to be paid to reduced officers. Overplus monies, above satisfying said officers, to be disposed of to officers who were maimed, &c. in the late wars, or to officers widows and children, as his Majesty shall direct.

C. A. P. LXXII.

An act to explain, amend, and render more effectual, the several laws now in being relative to the militia forces of this kingdom; and for making certain provisions relative to the fencible men in that part of Great Britain called Scotland.

WHEREAS many advantages may arise from further regulations in the militia laws, be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That so much of an act, made in the eighteenth year of his present Majesty's reign, intituled, *An act to amend and render more effectual the laws relating to the raising and training the militia within that part of Great Britain called England; and to establish certain*

Requiesce
of much of
18 Geo. 3.
cap. 39. as re-
lates to the
militia of the

*various regulations with respect to officers serving in the corps of foot-
bills directed to be raised in that part of Great Britain called
Scotland, and certain other corps therein mentioned, as relates to the
relief to be given to the families of substitutes serving in the militia,
shall be, and the same is hereby repealed.*

II. And whereas the families of substitutes, hired men, or volun-
teers, serving in the militia, when embodied and called out into actual
service, and ordered to march, may become chargeable to the parishes
to which they belong; be it enacted by the authority aforesaid,
That in case any substitute, whose family may so become char-
geable, shall not serve for the parish where his family shall dwell, it
shall be lawful for the justices of the peace, who shall make any
order for the relief of such family, at the same time to direct the
overseers of the parish for which he shall serve, to reimburse the mo-
ney so paid to the overseer or overseers who shall have advanced
the same, in pursuance of the order before-mentioned, if such pa-
rish shall be situated within the same county; and if such parish shall
be situated in any other county, the same justice shall cause the
same to be reimbursed in manner herein-after mentioned.

III. Provided always, That no such allowance shall occasion
such family to be removeable or compelled to be sent to any
workhouse or poorhouse, nor shall such substitute be thereby de-
prived of his legal settlement elsewhere, nor of his right of vot-
ing for the election of members to serve in parliament.

IV. And be it further enacted by the authority aforesaid,
That in case the substitute, whose family shall be relieved as
aforesaid, shall serve for any parish situate in another county, the
monies advanced by the overseers of the parish, township, or
place, where the family shall dwell, shall be repaid them out of
the county stock by the treasurer of the county to which the
parish, township, or place, shall belong, on producing a certificate
of the order of the justice allowing such relief, (which certificate
such justice is hereby required to grant accordingly;) and the
treasurer who shall so repay such overseer, shall transmit such
certificate, and also an account of all monies so repaid by him
from time to time, quarterly to the treasurer of the county, rid-
ing, or place, in the militia whereof such substitute shall serve;
and the treasurer to whom the same shall have been so transmit-
ted, shall forthwith reimburse the same to the treasurer from
whom the said account was received; which account so received
and reimbursed, shall be laid before the justices of the peace at
their next general or quarter session, which shall be held for such
county, riding, or place, for their allowance thereof; and the
said justices shall, and they are hereby required to allow the
same accordingly, and forthwith to make an order for the over-
seers of the parish, township, or place, for which
such substitute shall serve, to make good the same to the treasur-
er of the county, out of the poor rates of such parish, township,
or place; and all payments so made by such treasurer or treasur-
ers, overseer or overseers, in pursuance of such order or or-
ders of such justice or justices, shall be allowed and passed in

given to the
families of
substitutes,
repealed,

How the fa-
milies of sub-
stitutes, that
may become
chargeable,
shall be sup-
ported.

Family of sub-
stitute not to
be sent to the
workhouse,
&c. nor be de-
prived of his
privilege of
voting.

In case the
family of a
substitute be-
come charge-
able to his pa-
rish, and he
serve for a pa-
rish in a dif-
ferent county,
then his parish
shall be reim-
bursed out of
the stock of
the county for
which he
serves.

Accounts to
be laid before
the quarter
sessions; who
are to order
the overseers
of the parish
for which the
substitute
serves to make
good the same
to the county
treasurer out
of the parish
rates.

their

their respective accounts, in like manner as other expenses incurred on account of the militia are by the militia laws now in being directed to be passed and allowed.

Provido relating to peculiar jurisdictions.

V. Provided always, That in all places having peculiar jurisdictions, and not contributing to the county, such account shall be made over to the treasurer, receiver, or other public officer belonging to such peculiar jurisdiction, to be by him reimbursed, accounted for, and allowed, in manner aforesaid.

Captain-lieutenants to be appointed.

VI. And be it further enacted by the authority, That from and after the passing of this act, it shall and may be lawful to and for his Majesty's lieutenants of counties to appoint captain-lieutenants to all regiments or battalions of militia to which such appointment hath not been already made; and that all captain-lieutenants shall rank with the officers of his Majesty's other forces of equal degree as youngest of their rank.

Their rank.

Qualifications of captain-lieutenants.

VII. And be it enacted by the authority aforesaid, That for the future all persons to be appointed captain-lieutenants, shall have the same qualifications as persons serving as captains are required to have; provided that it shall not be necessary for any person having acted as captain-lieutenant before the first day of July, one thousand seven hundred and seventy-nine, to hold any other qualification than as a lieutenant.

Officers who have neglected to qualify themselves agreeable to militia act 18 Geo. 3. not liable to the penalties thereof.

VIII. And be it further enacted, That in case any officer or officers of militia shall have neglected or omitted to deliver in his or their several respective qualification or qualifications, agreeable to the directions of an act, made in the eighteenth year of his Majesty's reign, (intituled, *An act to amend and render more effectual the laws relating to the raising and training the militia within that part of Great Britain called England; and to establish certain regulations with respect to officers serving in the corps of fencible men directed to be raised in that part of Great Britain called Scotland, and certain other corps therein mentioned.*) such officer or officers, notwithstanding such omission or neglect, shall not be subject or liable to any of the penalties imposed by the said recited act; and all acts done by them in virtue of their respective commissions as officers in the militia are hereby declared to be valid and of full effect; any thing in the said recited act to the contrary notwithstanding.

Provided they shall qualify themselves on or before the first of Dec. next.

IX. Provided always, That this act shall not extend to prevent such officer or officers, who shall neglect or omit to deliver in his or their respective qualification or qualifications, on or before the first day of December next, according to the directions of the act of the eighteenth year of his present Majesty's reign, *to amend and render more effectual the laws relating to the raising and training the militia within that part of Great Britain called England; and to establish certain regulations with respect to officers serving in the corps of fencible men directed to be raised in that part of Great Britain called Scotland, and certain other corps therein mentioned;* from being liable to the penalties imposed by the same for such neglect or omission.

And militia of

X. And be it further enacted, That every officer now holding,

or hereafter accepting a commission as colonel, lieutenant colonel, major, or captain, in the militia, shall, on or before the first day of *December*, one thousand seven hundred and seventy-nine, or within six months after having accepted any such commission in future, transmit to the clerk of the peace of the county in the militia wherein such officer shall serve, a true description of his qualification for holding such commission as aforesaid, and also a certificate of his having taken the oaths required; and the clerk of the peace shall forthwith enter and inroll the same, and also shall transmit to the lieutenant of the said county, a true copy of every such list and certificate so entered as aforesaid; and the lieutenant shall, (unless just cause be shewn to the contrary within the same time by this act limited,) on receipt thereof, give notice to the officer or officers who shall not have been certified by the clerk of the peace to have entered his or their qualification, that he shall proceed to the appointment of other fit persons to serve in the militia, if proper persons duly qualified shall offer themselves for such service, in the room of such officers as shall, at the time or times above-mentioned, have omitted so to deliver in the said lists and certificates respectively; and such lieutenant shall, and he is hereby required and directed to declare, in the *London Gazette*, within six weeks, the commission of such officer to be vacant, and shall proceed to such appointment accordingly: And that, for the better ascertaining the time of granting any such commissions, the said lieutenants shall, from time to time, cause to be inserted in the *London Gazette*, the dates of the commission, and names and rank of the officers, together with the names of the officers in whose stead they are so commissioned, in like manner as commissions in the army are published from the war-office; and the said clerk or clerks of the peace shall, on or before the first day of *December* in every year, transmit to one of his Majesty's principal secretaries of state, in order that they may be laid before parliament, a true copy of all entries to be made and inrolled, and also an account of all returns so transmitted by him to the said lieutenants, together with the dates of the said entries and returns; and every such clerk of the peace being guilty of any neglect herein, shall be liable to the same penalties as by the militia laws now in being are imposed on clerks of the peace for any neglect of duty.

XI. And be it further enacted, That in case any person or persons shall take and receive of and from any man ballotted to serve in the said militia, or of and from any person employed by him for that purpose, any sum or sums of money for the purpose of serving as a substitute in the militia, in the room of such ballotted man as aforesaid, and shall afterwards neglect to appear at the usual meeting appointed for swearing the militiaman, or before some one deputy lieutenant, in the manner and according to the directions of an act, made in the second year of his present Majesty's reign, (intituled, *An act to explain, amend, and reduce into one act of parliament, the several laws now in being relating to* the

officers above the rank of lieutenant, to transmit to the clerk of the peace, on or before the first of *December* next, or within six months after accepting their commissions, a description of their qualifications, &c. How ld. lieutenant to proceed respecting those officers who shall neglect to deliver in their qualifications.

Account to be published in the *Gazette* of the dates of the new commissions, &c. and the names of the officers whom they succeed. Clerk of the peace to transmit, annually, to one of the secretaries of state, to be laid before parliament; a copy of all entries made and returns by him transmitted to the lord lieutenants, &c. Penalty on persons who shall receive money to serve as substitutes, and shall neglect to appear to be sworn, agreeable to the act a Geo. 3.

the raising and training the militia within that part of Great Britain called England,) such person or persons so neglecting as aforesaid, upon conviction thereof before any justice of the peace, or before any deputy lieutenants at their said meeting, shall not only return the sum so by him taken and received, but shall forfeit and pay any sum not exceeding twenty shillings to be paid to the balloted man, or to the poor of the parish, at the discretion of the justices or deputy lieutenants; and if such offender shall not immediately pay the sum so by him received, and the said penalty, he shall be committed to the house of correction for the space of fourteen days.

Commanding officer of every company of militia to lay out, to the most advantage of each man under his command the guinea to which he is entitled, by act 2 Geo 3. on receiving orders to march out of the county.

Deputy lieutenants, &c. who have ballotted and sworn in militia men before the time appointed by law, are hereby indemnified, and their proceedings declared valid.

Recital of a clause in militia act 2 Geo 3.

XII. And be it further enacted, That it shall and may be lawful for the captain, or other commanding officer of each company of militia, to lay out, in the manner most advantageous for the militia man under his command, the sum of one guinea, which, by the said recited act, passed in the second year of the reign of his present Majesty, is directed to be paid to all militia men, when the regiment, battalion, or independent company, to which they belong, is ordered to be embodied, and march out of the county, and to every recruit who shall afterwards join the regiment, battalion, or company, giving an account within three months, or as soon as desired, to the militia man so intitled to receive the said sum of one guinea, how such money has been expended.

XIII. *And whereas the deputy lieutenants, chief magistrates, and justices of the peace, in several counties, cities, and places, where the militia have been raised, have, in some instances, proceeded to chuse by lot, and to swear in militia men and substitutes for such respective counties, cities, and places, previous to the times at which the same ought to have been done, pursuant to the provisions contained in the militia laws now in being;* be it enacted by the authority aforesaid, That such proceedings of the said deputy lieutenants, chief magistrates, and justices of the peace, are hereby declared valid and effectual, and the said deputy lieutenants, chief magistrates, and justices of the peace, are hereby respectively indemnified for such their proceedings.

XIV. *And whereas, by an act made in the second year of the reign of his present Majesty, intituled, An act to explain, amend, and reduce into one act of parliament, the several laws now in being relating to the raising and training the militia within that part of Great Britain called England,)* it is (amongst other things) enacted, That in case any person shall be chosen by lot to serve in the militia, for any parish, tithing, or place, or parishes, tithings, or places, and such person shall be sworn and inrolled, or shall provide a fit person to serve as his substitute, who shall be sworn and inrolled, the churchwarden or overseer, or churchwardens or overseers, of such parish, tithing, or place, shall, within one month after the time of such swearing and inrolling of the man so chosen by lot, or of the substitute respectively, pay to every such person so chosen by lot, if the regiment or battalion, in which he or his substitute shall serve, shall be then embodied, any such sum of money, not exceeding five pounds, as three deputy lieutenants,

tenants, or two deputy lieutenants and one justice, or one deputy lieutenant and two justices, in whose presence such person shall be chosen by lot, shall adjudge to be, as near as may be, one half of the current price then paid for a volunteer in the county, or riding where such person shall be so chosen by lot: And whereas by an act, made in the eighteenth year of the reign of his present Majesty, intituled, An act to amend and render more effectual the laws relating to the raising and training the militia within that part of Great Britain called England; and to establish certain regulations with respect to officers serving in the corps of fencible men directed to be raised in that part of Great Britain called Scotland, and certain other corps therein mentioned, it is (amongst other things) enacted, That at any meeting for any county, city, or town, whose militia shall be at that time on actual service, it shall be lawful for any two or more of the deputy lieutenants, of such county, city, or town, or for any one deputy lieutenant, together with any one justice of the peace of such county, to have and exercise all the powers conferred by the therein (and herein) recited act, with respect to the militia, in any thing deputy lieutenants, or any two deputy lieutenants together with any one justice of the peace, or any one deputy lieutenant together with any two justices of the peace of any county at large; now, be it hereby enacted by the authority aforesaid, That in case any churchwarden or overseer of any parish, tithing, or place, or parishes, tithings, or places, shall, after the passing of this act, refuse or neglect to pay to any person chosen by lot as aforesaid, who shall have been sworn and inrolled, or who shall have provided a fit person to serve as his substitute, who shall have been sworn and inrolled, within one month after such swearing and inrolling, such sum, not exceeding five pounds, as two deputy lieutenants, or one deputy lieutenant and one justice of the peace of such county, riding, city, or place, shall adjudge to be as near as may be one half of the current price then paid for a volunteer in the county or riding where such person shall be so chosen by lot, upon his producing to such churchwarden or overseer an order for that purpose, under the hands of two deputy lieutenants, or one deputy lieutenant and one justice of the peace of such county, riding, city, or place, the militia thereof then being embodied, and in actual service; then such churchwarden or overseer, so refusing or neglecting, shall forfeit the sum of ten pounds, to be levied by distress and sale of the goods and chattles of such churchwarden or overseer, by warrant under the hand and seal of any one justice of the peace of the county, riding, city, or place, where such churchwarden or overseer shall dwell, rendering the overplus, (if any) on demand, after deducting the charges of such distress and sale, to such churchwarden or overseer; and one half of which sum shall be paid to the person so chosen by lot as aforesaid, in lieu of the sum ordered to be paid to him as aforesaid, and the other half thereof to the clerk of the regiment or battalion, to be added to the common stock.

and 18 Geo.
3. cap. 59

Every churchwarden, &c. who shall refuse to pay to any person chosen by lot, and sworn, or who shall have provided a substitute, such sum, not exceeding 5*l*. as shall be adjudge, by the deputy lieutenants, &c. to be half the current price paid for a volunteer, (on producing a proper order for that purpose,) shall forfeit 10*l*.

Application thereof.

XV. And be it further enacted by the authority aforesaid, That so much of an act, passed in the last session of parliament, intituled, So much of the militia act of last session as re-

Intit-
to the
half pay of
lieutenants
and ensigns
serving in the
militia, &c.
repealed.

intituled, *An act to amend and render more effectual the laws relating to the raising and training the militia within that part of Great Britain called England; and to establish certain regulations with respect to officers serving in the corps of sensible men directed to be raised in that part of Great Britain called Scotland, and certain other corps therein mentioned, as relates to the half-pay of lieutenants and ensigns serving in the militia, and the oath therein directed to be taken by them, be, and the same is hereby repealed.*

Persons intitled to half pay not to forfeit it whilst they serve as lieutenants in the militia

XVI. And be it further enacted by the authority aforesaid, That no person who is intitled to half pay shall be deemed or taken to forfeit or quit such half pay during the time he shall serve as lieutenant, ensign, adjutant, quarter-master, or surgeon, in any regiment of militia, but that the same shall nevertheless continue; and instead of the oath now appointed, such officer shall take the following oath

New oath for half pay officers serving in the militia

I A. B. do swear, That I had not, between the any place or employment of profit, civil or military, under his Majesty, besides my allowance of half pay, as a reduced late regiment of for allowance as late troop of horse guards, or regiment of horse reduced, save and except my pay as lieutenant, ensign, adjutant, quarter-master, or surgeon, [as the case may be,] for serving in a regiment of militia.

And the taking of the said oath shall be sufficient to intitle such person to receive his half-pay, or the said allowance, without taking any other oath; any thing in the said recited act, or any other law, statute, or usage, to the contrary notwithstanding.

Half pay not to be forfeited by serving as lieutenant, &c. in the militia

XVII. And be it further enacted by the authority aforesaid, That no person who is intitled to half pay shall be deemed or taken to forfeit or quit such half-pay, during the time he shall serve as a lieutenant, ensign, adjutant, quarter-master, or surgeon, in any regiment of sensible men, but that the same shall nevertheless continue, and instead of the oath now appointed, such officer shall take the following oath

New oath for half pay officers serving in the militia

I A. B. do swear, That I had not, between the any place or employment of profit, civil or military, under his Majesty, besides my allowance of half pay, as a reduced late regiment of for allowance as late troop of horse guards, or regiment of horse reduced, save and except my pay as lieutenant, ensign, adjutant, quarter-master, or surgeon, [as the case may be,] for serving in a regiment of sensible men.

And the taking of the said oath shall be sufficient to intitle such person to receive his half-pay, or the said allowance, without taking

taking any other oath; any thing in the said recited act, or any other law, statute, or usage, to the contrary notwithstanding.

XVIII. And be it enacted by the authority aforesaid, That any person being a serjeant on the establishment of Chelsea Hospital, at an allowance of twelve pence a day, and being appointed to serve in any corps of fencible men, shall and may receive the said allowance of twelve pence a day, together with his pay from the said corps of fencible men; any law, usage, or custom, to the contrary notwithstanding.

XIX. And be it enacted by the authority aforesaid, That the clerk or clerks of the subdivision meetings shall, after any subdivision meeting hath been appointed, give reasonable notice in writing, of the time and place appointed for the same, to every deputy lieutenant and justice of the peace who shall be resident within the said subdivision; and also to the commanding officer of the regiment, if on actual service, or, if not on actual service, to the colonel thereof, an account of the days fixed for receiving lists, balloting and swearing in the men, of such subdivision; and shall, as soon as the men are sworn in, likewise transmit to the commanding officer or colonel as aforesaid, a list, specifying the names, trades, and usual places of abode, of such men as are sworn, and, if substitutes, the names, trades, and places of abode, of the principals in the room of whom they were sworn.

XX. And whereas, by an act, made in the second year of the reign of his present Majesty, intituled, An act to explain, amend, and reduce into one act or parliament, the several laws now in being relating to the raising and training the militia within that part of Great Britain called England, it is enacted, That in the several counties, ridings, and places, where the militia has been, on Ballot, raised, four subdivision meetings shall, on the last Tuesday in May, or on the last Tuesday in October, be appointed for the purposes of the said act; and several directions, provisions, and penalties were contained in the said act, respecting the balloting, enrolling and providing substitutes, and for other purposes, to be done at such four subdivision meetings; and whereas, the said act was likewise, by the said act, directed to be held, upon seven days notice being given, for filling up vacancies in the militia, and for other purposes therein mentioned; but doubts have arisen whether the several powers, provisions, and penalties, in the said act contained, can extend to enforce the orders made at any other subdivision meeting than at the four that are to be appointed by the general meeting on the last Tuesday in May; or on the last Tuesday in October; be it therefore enacted by the authority aforesaid, That in all cases where ballots are directed to be taken by any of the laws relating to the militia, every person chosen pursuant to the said acts, at any subdivision meeting thereby appointed, shall be enrolled, and every substitute provided shall subscribe his consent to serve, and shall serve in the said militia for the space of three years, and shall be liable and subject to all the several directions, provisions, and penalties, in the said herein-before recited act of the second of his present Ma-

Serjeants on the establishment of Chelsea Hospital at 12. a day, being appointed to serve in the fencibles, shall receive the said allowance, together with their pay in the fencibles. The duty of clerks of subdivision meetings.

Recital of part of the militia act 2 Geo. 3. relating to subdivision meetings.

Every person balloted pursuant to the militia laws, at any subdivision meeting, shall be enrolled; and every substitute shall subscribe his consent to serve for three years.

jetty contained, or in any other act relating to the militia of that kingdom.

Recall of a clause in the militia act 1757.

The same powers given by that act to commanding officers, deputy lieutenants, &c. respecting balloting four months previous to the expiration of the time of service, when the regiment, &c. shall be at a distance from home, are hereby continued, whether they are in or out of the county. Commanding officer empowered to discharge to many of his men whole time of service is near expired, as there are others balloted as afore- said to supply their places. If any person summoned to serve in the militia shall not appear to be fit to serve, or find a substitute, nor pay 10 l. &c.

XXI. And whereas, by the said act of the eighth year of said present Majesty, power is given to the deputy lieutenants, justices, or commanding officer of any regiment, battalion, or company, to ballot for other men to serve in the militia, when the time of any militia-men shall be within four months of its expiration, when the regiment shall be embodied, and at a distance from home: and whereas doubts have arisen here for the same power extends when the regiment shall be embodied, and within the county, and it is highly expedient that the said clause should be explained and made clear, so that no future doubts may arise thereupon, he is enacted by the authority aforesaid, That all the same and like powers, directions, and provisions, given by that act to the commanding officers, deputy lieutenants, justices, and others, with respect to the balloting for proper men to serve in the militia, in lieu of others, four months previous to the expiration of their time, when embodied, and at a distance from home, shall be and are hereby continued and given to the commanding officers, deputy lieutenants, justices, and others, to proceed to ballot for such other men, and to execute the powers necessary thereto, at any time within four months previous to the expiration of their time, when the regiment, battalion, or company, shall be within the county, riding, or place, to which it belongs, or in any other county, riding, or place; and further, that the commanding officer of the regiment, battalion, or company, shall have power to discharge such number of men of his regiment, battalion, or company serving therein, whose times of service are within the time of the expiration aforesaid, and to receive such other men, in lieu thereof, as shall be so balloted, or enrolled and sworn in as balloted men or substitutes, at any time within the term so allowed, whether the regiment shall be within the county, or absent from home in any other part of the kingdom; and the time of the service of such men so received, sworn in, and enrolled, shall commence at any time within the term allowed as aforesaid, or at the end thereof.

XXII. And whereas it frequently happens that persons drawn, by ballot, to serve in the militia, neglect to appear, agreeable to the order of the deputy lieutenants and justices of the peace, to be sworn in and enrolled, or to find a substitute to serve in their stead, or to pay the sum of ten pounds; and such persons so neglecting have not sufficient effects whereon to levy the said sum by distress and sale, and by the laws now in being, if such persons are apprehended for such failures or neglect, can only be punished by three months imprisonment in the house of correction, which punishment is by no means adequate, when the militia in which they are drawn to serve are embodied; be it therefore enacted, for remedy thereof, That, from and after the passing of this act, whenever any person drawn, by ballot, to serve in any militia regiment or company, shall neglect to appear as he is sworn in, or to find a substitute to serve in his stead, or to pay the sum of ten pounds, or shall not have sufficient effects whereon to levy

the same by distress and sale, and be afterwards apprehended, by warrant from any deputy lieutenant or justice of the peace, for such offence, instead of being punished by commitment to the house of correction, as aforesaid, his name shall be entered on the rolls, and he shall be delivered over to some proper officer of the regiment or company for which he was drawn, and be compelled to serve for the full term of three years from the time of his apprehension, and be liable to the same punishments for afterwards absconding, deserting, or otherwise, as if he had originally attended, and been duly sworn and inrolled.

but shall be afterwards apprehended, his name shall be entered on the rolls, and he shall be delivered to a proper officer, and compelled to serve three years. Deputy lieutenants, &c. on receiving from a commanding officer a regular discharge of any militia man, &c. are to chuse another in his stead.

XXIII. *And whereas, by an act, passed in the second year of his Majesty's reign, intituled, An act to explain, amend, and reduce into one act of parliament, the several laws relating to the militia forces in that part of Great Britain called England, certain powers were granted to deputy lieutenants and justices to hold subdivision meetings, and to order fresh ballots for the purpose of filling up vacancies, in the cases therein mentioned, giving seven days notice of such meetings; and doubts have arisen to what cases or vacancies such powers extend; be it enacted, That the said deputy lieutenants and justices shall, and they are hereby required, in all cases, when a regular discharge of any militia man shall be produced to them, from any commanding officer, certifying the reason of such discharge, and that such reason renders such militia man unfit for service, to proceed to confirm the same, and so to cause the lists to be amended, and other persons to be chosen to fill up such vacancies, in like manner as in and by the said recited act, or any other law now in force relating to the militia, is directed and provided.*

XXIV. *And whereas great inconveniencies have arisen from certain powers granted by an act, passed in the eighteenth year of his Majesty's reign, intituled, An act for defraying the charge of the pay and cloathing of the militia, in that part of Great Britain called England, for one year, beginning the twenty-fifth day of March, one thousand seven hundred and seventy-eight; and for filling up vacancies in the militia, in the cases therein mentioned; be it enacted, That so much of the said act as relates to the powers granted to deputy lieutenants and justices, and to colonels or commanders of regiments or battalions, to discharge militia men, and order fresh ballots, before the expiration of the term for which such militia men shall have been chosen by lot, and inrolled to serve, shall be, and the same is hereby repealed.*

Part of 18 Geo. 3. cap. 14, repealed.

XXV. *And whereas by the militia laws now in being, it is enacted, That his Majesty's lieutenant for every county, riding, and place, together with any two deputy lieutenants, or in the absence, removal, or death, of his Majesty's lieutenant, any three deputy lieutenants, shall, for several of the purposes in the said act declared, appoint subdivisions of the said deputy lieutenants, within their respective counties, ridings, and places, and shall issue out their orders to the chief constable, and where there is no chief constable, to some other officer of the several hundreds, rapes, laths, wapentakes, or other divisions, within their respective counties, ridings, and places, to require, by orders under*

Recital of part of former militia laws relating to the appointing of subdivisions of deputy lieutenants.

Lord lieutenant of Sussex after the last Tuesday in next October, to issue orders to the chief constables of hundreds to issue their precepts to churchwardens, &c. to return to the deputy lieutenants lists of the names of all men dwelling in their parishes between the years of 18 and 21, for churchwardens and overseers for the purposes of the militia laws, to be deemed the officer of such parish, &c.

their hands, the constable, tithingman, headborough, or other officer, of each parish, tithing, or place, within their respective hundreds, rapes, lishes, wapentakes, or other divisions, to return to the deputy lieutenants, within their respective subdivisions, at the place and on the day appointed at the said first general meeting, fair and true lists in writing of the names of all the men usually, and at that time, dwelling within their respective parishes, tithings, and places, between the ages of eighteen and forty-five, distinguishing their respective ranks and occupations, and for the several other purposes in the said act directed: and whereas, for the different rapes in the county of Sussex, there are no peace officers who can act officially as belonging to the said rapes: and whereas the rapes in the said county are the most convenient districts to be appointed as the subdivisions for the deputy lieutenants to execute the several purposes directed by the said acts, and do contain within their boundaries several hundreds, to each of which there is a peace officer belonging: and whereas the boroughs and tithings, over which there are headboroughs, tithingmen, or other peace officers, are uncertain in their boundaries, and often include parts of various parishes from which great inconveniencies arise, both in ballotting for the men to be drawn by lot for the service of the said militia, and also in the payment of the money directed to be paid by the parishes to those who may be allotted to serve: and whereas it would be more expedient that the ballotting for men to serve in the said militia for the county of Sussex should be by the division of parishes, to which division there are no peace officers; be it therefore enacted by the authority aforesaid, That, from and after the last Tuesday in October next, his said Majesty's lieutenant, or on his death or removal, or on his absence, any three or more deputy lieutenants of the county of Sussex, shall and may issue out his or their orders to the chief constable of the several hundreds in the rapes in the said county where their subdivisions may have been or may be appointed, directing such chief constables to issue their precepts to the churchwardens or overseers of the poor of each parish within their respective hundreds or other divisions, to return to the deputy lieutenants within their respective subdivisions, at the place and on the days by them directed, fair and true lists in writing of the names of all the men usually dwelling within their respective parishes, between the ages of eighteen and forty-five, distinguishing their respective ranks and occupations, and for such several other purposes as are directed to be done by the constables, tithingmen, headborough, or other officer, of each parish, tithing, or place, within their respective hundreds or other divisions, in an act, made in the second year of his present Majesty, intituled, *An act to explain, amend, and reduce into one act of parliament, the several laws now in being relating to the raising and training the militia within that part of Great Britain called England*; and that the churchwardens and overseers of the poor of the several parishes in the said county, to whom such orders shall be issued, shall, for the purposes of the several acts of parliament relating to the militia of this kingdom, be deemed the officer of such parish, and shall be invested with all the powers

powers and authorities, and be liable to the several pains, penalties, and forfeitures, as the constable, tithingman, head-borough, or other officer, of any parish, tithing, or place, are subject and liable to, for, or upon account of his refusing or neglecting to return such lists, as aforesaid, or being guilty of fraud or wilful partiality in making thereof, or not attending the orders issued by his Majesty's lieutenant, or any three deputy lieutenants, or for the several other offences in the said recited act or in the present act contained.

C A P. LXXIII.

An act for enabling his Majesty to raise the sum of one million, for the uses and purposes therein mentioned.

preamble. Credit of loan granted to his Majesty for 1,000,000 l. Treasury may raise the same by loans or exchequer bills, in like manner as is prescribed by the land tax act of this session, concerning loans, &c. The clauses, &c. in the said act relating to loans or exchequer bills, (exception) extended to the loans, &c. to be made in pursuance of this act. Principal and interest, with charges, to be paid out of the next supplies, and if sufficient supplies be not granted before July 5, 1780, then to be paid out of the sinking fund; and the monies so issued to be replaced out of the first supplies. The bank empowered to advance, on the said credit of loan, any sum not exceeding 1,000,000 l.

C A P. LXXIV.

An act to explain and amend the laws relating to the transportation, imprisonment, and other punishment, of certain offenders.

WHEREAS the punishment of felons, and other offenders, Preamble.

by transportation to his Majesty's colonies and plantations in America, is attended with many difficulties: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of July, one thousand seven hundred and seventy-nine, when any person, at any session of oyer and terminer, or gaol delivery, or at any quarter or other general session of the peace, to be holden for any county, riding, liberty, division, city, corporation, or place, within that part of Great Britain called England, or at any great session to be holden for the county palatine of Chester, or within the principality of Wales, shall be lawfully convicted of any grand or petty larceny, or any other crime, for which he or she is or shall be liable by law to be transported to any of his Majesty's colonies or plantations in America, or if any person convicted of such crime hath already been ordered to be so transported, but such order hath not yet been executed, it shall and may be lawful for the court before which any such person hath been or shall be so convicted, or any court holden for the same place with like authority, if such court shall think fit, to order and adjudge that such person shall be transported to any parts

When any person is convicted, in England or Wales, of any crime punishable by transportation to America, the court may order him to be transported to any parts beyond the seas, either in America, or elsewhere.

beyond the seas, whether the same be situated in *America*, or elsewhere, in such and the like manner, and for any term of years not exceeding such and the same term as and for which such person is or shall be liable to be transported to any of his Majesty's colonies and plantations in *America* aforesaid; any law, statute, or usage, to the contrary notwithstanding.

When any person shall be convicted for transportation as aforesaid, or any offender, excluded from benefit of clergy, shall receive his Majesty's pardon on condition of transportation as aforesaid, all laws relating to transportation of criminals to *America*, and their returning before the expiration of their term, shall be in force with respect to the offenders first mentioned.

II. And be it further enacted, That when any such person, who hath already been, or shall hereafter be so convicted, shall, in consequence thereof, be ordered to be transported to any parts beyond the seas, or if his Majesty, his heirs and successors, shall hereafter be graciously pleased to extend the royal mercy to any offender convicted or attainted of any felony by which he or she is excluded from the benefit of clergy, or of such statutes as are equivalent thereunto, upon the condition of transportation to any parts beyond the seas as aforesaid, then and in any such cases all laws, statutes, usages, and customs now in force, with regard to the transportation of criminals to any of his Majesty's colonies or plantations in *America*, and their punishment for being afterwards at large, within any part of the kingdom of *Great Britain*, before the expiration of the several terms for which they were ordered to be transported, or had agreed to transport themselves, and particularly the several provisions contained in an act, made in the fourth year of King *Georgeth the First*, intituled, *An act for the further preventing robbery, burglary, and other felonies; and for the more effectual transportation of felons, and unlawful exporters of wool; and for declaring the law upon some points relating to pirates*; and in one other act, made in the sixth year of King *George the First*, intituled, *An act for the further preventing robbery, burglary, and other felonies; and for the more effectual transportation of felons*; and in one other act, made in the sixteenth year of his late majesty King *George the Second*, intituled, *An act for the more easy and effectual conviction of offenders found at large within the kingdom of Great Britain, after they have been ordered for transportation*; and in one other act, made in the eighth year of his present Majesty, intituled, *An act for the more speedy and effectual transportation of offenders*; shall take place, be in force, and enure, with regard to the transportation of all such offenders as aforesaid, to any part or parts beyond the seas, and with regard to their punishment for being afterwards at large in this kingdom before the expiration of their respective terms, in like manner as if the same had been repeated and specially inserted in this act.

When any person is convicted of any felony for which he shall be liable to be burnt in the hand, the court may, instead thereof, impose on

III. And whereas the punishment of burning in the hand, when any person is convicted of felony within the benefit of clergy, is often disregarded, and ineffectual; and sometimes may fix a lasting mark of disgrace and infamy on offenders, who might otherwise become good subjects, and profitable members of the commonwealth; be it therefore enacted, That, from and after the passing of this act, when any person shall, in any of the courts before mentioned, be lawfully convicted of any felony within the benefit of clergy, for which he or she is liable by law to be burned or marked in the brawn

drawn of the left thumb, it shall and may be lawful for the him a moderate fine ;
 court before which any person shall be so convicted, or any
 court holden for the same place with the like authority, if such
 court shall think fit, instead of such burning or marking, to im-
 pose upon such offender such a moderate pecuniary fine as to
 the court in its discretion shall seem meet ; or otherwise it shall or order him
 be lawful, instead of such burning or marking, in any of the to be whipped.
 cases aforesaid, except in the case of manslaughter, to order and
 adjudge that such offender shall be once, or oftener, but not
 more than three times, either publickly or privately whipped,
 such private whipping to be inflicted in the presence of not less
 than two persons, besides the offender and the officer who in-
 flicts the same ; and in case of female offenders, in the presence
 of females only ; and such fine or whipping, so imposed or in-
 flicted, instead of such burning or marking, shall have the like
 effects and consequences to the party on whom the same, or
 either of them, shall be so imposed or inflicted, with respect to
 any discharge from the same, or other felonies, or any restitution
 to his or her estates, capacities, and credits, as if he or she
 had been burned or marked as aforesaid.

IV. Provided always, and be it further enacted, That no- This act not
 thing in this act contained shall abridge or deprive any of the to abridge the
 said courts of the powers now vested in them by law of detain- powers vested
 ing and keeping in prison, for any time not exceeding one year, in the said
 or of committing to the house of correction, or publick work- courts of im-
 house, to be kept to hard labour for any time not less than six prisoning of-
 months, or exceeding two years, any such offender as afore- fenders.
 said ; but that such offender may, if such court shall think fit,
 after such burning or marking, or after such whipping or fine,
 as shall by virtue of this present act be inflicted or imposed
 instead thereof, be so detained or committed, and with such
 accumulated punishment, in case of escape from such house of
 correction or workhouse, as if this act had never been made.

V. And whereas, if many offenders, convicted of crimes for which His Majesty
 transportation hath been usually inflicted, were ordered to solitary impowered to
 imprisonment, accompanied by well-regulated labour, and religious appoint three
 instruction, it might be the means, under providence, not only of de- supervisors,
 terring others from the commission of the like crimes, but also of re- who are to fix
 forming the individuals, and inuring them to habits of industry ; he upon a piece
 it therefore further enacted, That it shall and may be lawful of ground,
 for his majesty, in his privy council, to appoint three persons to and to erect
 be supervisors of the buildings to be erected in pursuance of this thereon two
 act, and from time to time to remove them, or any of them, substantial
 and appoint others in the place of such as shall be so removed, edifices, to be
 or shall die, or resign their trust ; and the said supervisors, or called Peni-
 any two of them, shall, as soon as conveniently may be, fix tentiary
 upon any common, heath, or waste, or any other piece or pieces Hobles for
 of ground, which may be lawfully purchased under the powers confining and
 of this act, and which shall be situated within any one of the employing
 counties of *Middlesex, Essex, Kent, or Surry*, upon which they, convicted
 or any two of them, shall erect, or cause to be erected, two plain,

In the choice of the ground, special regard to be had to healthiness and accommodation of water, &c.

The situation, &c. to be approved of by the lord chancellor, the speaker, the judges, and lord mayor.

After such approbation, the supervisors to purchase the ground, which shall be conveyed to the clerk of assize of the home circuit for the time being.

So capacitated persons empowered to sell and convey for the purposes of this act.

plain, strong, and substantial edifices or houses, which shall be called *The Penitentiary Houses*, for the purpose of confining and employing in hard labour, in one of the said houses, such male convicts, and in the other, such female convicts, as, in pursuance of the powers hereinafter contained, shall be ordered to imprisonment and hard labour: provided always, That in fixing upon such piece or pieces of ground as aforesaid, regard shall be especially had to healthiness and the accommodation of water, avoiding, as far as possible, any place where other buildings are or may be erected contiguous to, or within a small distance from the outward fence or inclosure of such houses, or a situation within any populous town: provided also, That the situation and other circumstances of such piece or pieces of ground shall be reported to and approved of by the lord chancellor, the speaker of the house of commons, the justices of the court of king's bench and common pleas, the barons of the court of the court of exchequer, and the lord mayor of London, for the time being respectively, or by any eight or more of them, before the same shall be finally fixed upon, or any purchase made of the same.

VI. And be it further enacted, That when such piece or pieces of ground shall be fixed upon, with such approbation as aforesaid, the said supervisors, or any two of them, shall, as soon as may be, contract for the absolute purchase, in fee-simple, of the said piece or pieces of ground, for the purpose of erecting thereon such penitentiary houses, and other buildings and inclosures, in such manner as herein is directed; which ground so to be purchased shall be conveyed to the clerk of assize of the home circuit for the time being, and to his successors for ever; and the said clerk of assize for the time being is hereby made and declared to be a corporation sole, for the special purpose of being capable to take and hold, in perpetual succession, the said piece or pieces of ground for the uses and purposes of this act.

VII. And be it further enacted, That it shall and may be lawful for all corporations aggregate or sole, ecclesiastical, civil, or eleemosynary, husbands, guardians, committees, executors, administrators, and all trustees whatsoever, not only on behalf of themselves, but also on behalf of their *children*, trusts, whether infants or issue unborn, lunatics, idiots, *femin-orvi*, or other person or persons under any disability whatsoever, and also for all other persons who are or shall be seized, possessed of, or interested in, any piece or pieces of ground on which the said penitentiary houses, or either of them, shall be appointed to be erected, to contract or agree for, sell, convey, and assure such piece or pieces of ground unto such clerk of assize for the time being; and all such contracts, agreements, sales, conveyances, and assurances, shall be valid and effectual in the laws to all intents and purposes whatsoever, any law, statute, usage, or custom, to the contrary notwithstanding; and all corporations and persons so agreeing or conveying, are hereby indemnified for what they shall respectively do by virtue of this act.

VIII. And

1779.] Anno decimo nono GEORGE III. c. 74.

VIII. And be it further enacted, That all sums of money which shall be agreed to be paid to any corporations, husbands, executors, administrators, guardians, committees, or other trustees whatsoever, for or on behalf of any infants, lunaticks, idiots, *femes-covert*, or other *cestuique* trusts, or to any other person or persons whose lands shall be limited in strict settlement, for the purchase of any such piece or pieces of ground as aforesaid, shall, in case such sums of money shall exceed the sum of one hundred pounds, be laid out by such corporations, husbands, executors, administrators, guardians, committees, or other trustees, or any person or persons seised of land so limited in strict settlement, as soon as conveniently may be, in the purchase of lands, tenements, and hereditaments, in fee-simple, to be conveyed to, or to the use of, such corporations, husbands, executors, administrators, guardians, committees, or other trustees, and to and for such other person or persons, and for such estate and estates, and to, for, upon, and subject to, such uses, trusts, limitations, remainders, and contingencies, as the lands or grounds for or in respect whereof such purchase-money shall be paid as aforesaid, shall be limited, settled, and assured, at the time such purchase or contract shall be made in manner aforesaid, or such as shall be then capable of taking effect, the charges of such conveyances and settlements to be paid in the same manner as the expence of building on such ground; and in the mean time, and until such purchase or purchases shall be made, such money, whether the same shall or shall not exceed the sum of one hundred pounds, be laid out by such corporations, or other persons for the time being interested therein, in some government securities, in the names of two persons, one to be nominated by the party or parties for the time being interested therein, and the other by the supervisors aforesaid; and the interest arising from such securities shall be paid to such person or persons respectively as would have been entitled to the rents and profits of such piece or pieces of ground, in case the same had not been sold, or would for the time being be entitled to the rents and profits of such lands, tenements, and hereditaments so to be purchased, in case the same were purchased and settled as aforesaid.

Sums paid for ground to corporations, &c. to be laid out in the purchase of lands subject to the same limitations, &c.;

and, till such purchase shall be made, to be placed out on government security.

IX. And be it further enacted, That if any such corporations, husbands, guardians, committees, executors, administrators, or other trustees, or any person or persons for the time being interested in any such piece or pieces of ground as aforesaid, upon notice to him, her, or them given, or left in writing at the house or houses, or other place or places of abode, of such person or persons, or of the principal officer or officers of any such corporation, shall, for the space of twenty one days next after such notice given or left, neglect or refuse to treat, or shall refuse to accept such price as shall be offered by the said supervisors, or their agent, or shall otherwise not agree for the sale of such piece or pieces of ground, or if, by reason of absence or incapacity, they shall be prevented from treating for such sale, then, and in every such case, the said supervisors, or any two of them,

If owners refuse to treat, or to accept the price offered by the supervisors, the value of the ground to be ascertained by a jury.

Witnesses may
be examined
on oath.

Supervisors to
order such
sum to be paid
as shall be as-
certained by
the jury.

verdict of the
jury, and or-
der thereup-
on, to be re-
corded, and
final.

How the jury
shall be sum-
moned.

Jurors may be
challenged.

Supervisors

shall cause the value of such ground to be enquired into and ascertained by a jury of indifferent men of the county, riding, liberty, division, city, corporation, or place, wherein the same shall be situated; and to that end shall summon and call before such jury, and examine upon oath, (which oath any one or more of such supervisors is and are hereby empowered to administer,) any person or persons whomsoever; and such supervisors, or any two of them, shall, by ordering a view, or otherwise, use all ways and means for the information of themselves, and of such jury, in the premises; and when such jury shall have enquired of and ascertained the value of such ground, the said supervisors shall thereupon order that the sum or sums of money which shall so appear to be the value of such ground, shall be paid and applied in such manner as is herein-before directed touching the money to be paid for ground, for sale whereof the person or persons interested shall contract and agree in manner aforesaid; which verdict or inquisition, and order, shall be filed on record by the clerk of the peace of the said county, riding, liberty, division, city, corporation, or place, and shall be final and conclusive, to all intents and purposes whatsoever, against all parties and persons whomsoever, claiming or to claim in possession, remainder, reversion, or otherwise, their heirs and successors, as well absent as present, infants, *femes-covert*, lunatics, idiots, and persons under any disability whatsoever, corporations, husbands, guardians, trustees, committees, executors, administrators, or any other person or persons whomsoever.

X. And, for summoning and returning such juries, be it further enacted, That such supervisors, or any two of them, may issue their warrant or warrants to the sheriff or bailiff of any particular county, riding, liberty, division, city, corporation, or place, within the limits of which the said ground shall be situated, requiring him to impanel, summon, and return, an indifferent jury of twenty-four persons, qualified to serve upon juries, to appear before the said supervisors, or any two of them, at such time and place as in such warrant or warrants shall be appointed; and such sheriff or bailiff is and are hereby required to impanel, summon, and return, such number of persons accordingly; and out of the persons so summoned, impanelled, and returned, or out of such of them as shall appear upon such summons, the said supervisors, or any two of them, shall, and they are hereby empowered and required to draw by ballot, and to swear, or cause to be sworn, twelve men, who shall be the jury for the purposes aforesaid; and in default of a sufficient number of jury men so returned, the said sheriff or bailiff shall take such other honest and indifferent men of the by-standers, or that can speedily be procured to attend that service, to make up the number of twelve; and all persons concerned shall have their lawful challenges against any of the said jury men when they come to be sworn; and the said supervisors, or any two of them, shall have power, from time to time, to impose a fine or fines upon such sheriff or bailiff, or his deputy or

and deputies, making default in the premises, and on any of the persons who shall be summoned and returned on such jury, and who shall not appear, or appearing, shall refuse to be sworn on the said jury, or being sworn, shall refuse to give, or shall not give, a verdict, or shall in any other manner wilfully neglect his or their duty therein; and also on any persons who, being summoned and required to give evidence before the said jury, shall refuse or neglect to appear, or appearing, shall refuse to be sworn, or to give evidence; so that no such fine be more than ten pounds, nor less than twenty shillings, on any one person for one offence.

may impose a fine on sheriff &c. making default.

XI. And be it further enacted, That in case any jury shall give in and deliver a verdict for more money, as the value of such ground so to be purchased, than what shall have been offered for the purchase thereof, by the said supervisors or their agent, to any person capable of contracting for the same, the costs and expences of summoning and maintaining the jury and witnesses shall be borne and paid out of the same fund as the expence of the buildings to be erected thereon; but if such jury shall give in and deliver a verdict for no more, or for less money than the money which shall have been so offered by such supervisors, or their agents, then the costs and expences of summoning and maintaining the said jury and witnesses shall be borne and paid by the person or persons with whom such controversy or dispute, touching the value of such grounds, shall arise.

Expences of jury and witnesses by whom to be paid.

XII. And be it further enacted, That upon payment of the money so ordered to be paid for the purchase of such grounds and premises, or, upon refusal or inability to receive the same, leaving the same in the hands of the clerk of the peace of the county where such penitentiary houses are to be built, for the use of the persons or parties entitled thereto, it shall be lawful for the said supervisors, or any two of them, their workmen or agents, to enter upon and take possession of such grounds and premises, for the uses and purposes of this act, and thereupon all such persons and parties shall be divested of all right and title to such grounds and premises.

On payment or tender of purchase money, supervisors may take possession of the premises.

XIII. Provided always, and be it further enacted, That nothing in this act contained shall extend to compel the sale of any ground, with a house or other building, *bona fide* intended for the purposes of habitation, upon it; or of any park, paddock, orchard, or other ground, inclosed for the immediate convenience of any house, or of the offices belonging thereto; or any ground improved as pleasure ground, or planted with wood; or any inclosed ground immediately adjoining to any house, park, paddock, garden, orchard, yard, or pleasure ground, and occupied therewith; or any ground between any house and any park, paddock, yard, offices, garden, orchard, or pleasure ground, belonging to such house, and occupied therewith.

Limitation of the power to compel owners of ground to sell.

XIV. And be it further enacted, That the said supervisors, or two of them, shall contract with proper persons for erecting such penitentiary houses, together with the several buildings

Supervisors to superintend the erection of the houses, and &c.

One of which shall be large enough to contain 600 males, and the other 300 females; with proper store-houses, &c.

A plan of the buildings, and an estimate of the expence, to be approved of by the lord chancellor, &c.

Expences of purchasing the ground, and erecting the buildings, &c. to be defrayed by warrants from the treasury.

His Majesty empowered to appoint a committee of three persons, to superintend the said houses.

Committee to appoint a clerk, who shall minute their proceedings.

and inclosures thereunto belonging, and shall superintend the erection of such houses and buildings, and the due performance of such contracts as shall be entered into touching the same; and the said penitentiary houses shall be made sufficiently large to contain, the one of them six hundred male convicts, and the other of them three hundred female convicts; and each of such houses, or the buildings and inclosure thereunto belonging, shall contain proper storehouses, warehouses, workhouses, and lodging-rooms, an infirmary, a chapel and burying-ground, a prison divided into dark but airy dungeons, a kitchen garden, and also proper airing grounds, yards, offices, and other necessary apartments for the several officers and servants herein-after directed to be appointed: provided always, That before any such contracts shall be made or entered into by the said supervisors, the plan of such houses and buildings, with the estimates of the expence of erecting the same, shall be laid before, and approved of by, the same persons to whom the approbation of the piece or pieces of ground whereon the same are intended to be erected is herein-before referred, or by any eight or more of them: provided also, That the expences of purchasing the said ground, of erecting the said buildings, and of making a proper compensation to the said supervisors for their trouble and charges, being previously examined and allowed, from time to time, by the justices of the peace of the county or place wherein such ground shall be situated, at their quarter or other general session, and approved and allowed by the justices of assize, at their then next subsequent assizes, or, if in *Middlesex*, by the justices of the court of *King's Bench*, shall from time to time be defrayed by warrants from the commissioners of his Majesty's treasury, or the high treasurer for the time being, and shall be provided for in the manner herein-after mentioned.

XV. And be it further enacted, That it shall and may be lawful for his Majesty in his privy council to nominate and appoint three gentlemen, or other creditable and substantial persons, as and for a committee to superintend the said houses, and from time to time to remove all or any of the persons composing the committee, and appoint others in their stead, or in the stead of such as shall die or resign; which persons so composing the said committee, shall be intitled to such allowance *per diem* for their trouble and expences, in every day's actual attendance on the duties of their office, as the said justices of the peace, at their quarter or other general session, with the approbation and allowance of the justices of assize, at their then next subsequent assizes, or, if in *Middlesex*, by the justices of his Majesty's court of *King's Bench*, shall from time to time order and direct; and the said committee, or any two of them, shall and may appoint a clerk, to continue during their pleasure, with such salary as they shall judge to be reasonable; which clerk shall keep regular minutes of the proceedings of the said committee, and the said committee, or any two of them, are also hereby authorized and required to appoint stated meetings, giving two days notice

notice thereof, and from time to time to adjourn the same, and at such stated and adjourned meetings, and not otherwise, nor in any less number, to carry this act into execution; and at every such meeting the chairman of such committee shall not only have a single voice or vote, but, in case of equality of numbers, a decisive or casting vote.

XVI. And be it further enacted, That when the said penitentiary houses shall be erected, and so fitted up as to be ready or nearly ready for the reception of the offenders herein-after directed to be sent thereto, the committee shall elect such officers as are herein-after directed, and shall make provision for stock and materials for the use and employment of the offenders to be confined in the said penitentiary houses; and also shall make orders for the regulation of the said houses, and of such offenders, in such cases as are not by this act particularly provided for; which orders of regulation, being approved of by the said justices of the peace, at their quarter or other general sessions, and confirmed and allowed by the justices of assize at their then next subsequent assizes, or, if in *Middlesex*, by the justices of the court of *King's Bench*, shall be carried into execution; and the said committee shall, in like manner, from time to time, as often as they shall think necessary, make any other orders of regulation, as well for repeal of such orders before made, as by way of addition thereto, which, before they are carried into execution, shall also be approved of, confirmed, and allowed by the justices aforesaid.

Committee to elect officers, and provide materials for employing offenders;

and to make orders of regulation, which must be approved by the justices, &c before they are carried into execution.

XVII. And be it further enacted, That for the regulation and management of each of such penitentiary houses, and previously to the opening thereof for the reception of offenders, there shall be elected and appointed by the said committee, a governor, a chaplain, a surgeon or apothecary, a storekeeper, and a task-master; and also, in the house set apart for female convicts, a matron; and in each of them, such other officers as the said committee, with such approbation, confirmation, and allowance, as aforesaid, shall judge necessary; and such officers shall from time to time be removeable by any order of the said committee; and when any vacancy shall happen, new officers shall be elected by the same authority; and such salaries and other allowances shall be made to the said officers, with such approbation, confirmation and allowance, as aforesaid, and also such of them from whom the said committee may deem it proper to require security for the due and faithful execution of their offices, shall give such security accordingly, as the said committee from time to time shall direct.

Enumeration of officers to be appointed by the committee;

who shall allow them salaries.

XVIII. Provided always, That the salaries of the respective governors and task-masters shall totally, if possible, or at least in great measure, arise from the profits of the work that shall be done and performed in each several penitentiary house; and the said committee is hereby required, with such approbation, confirmation, and allowance, as aforesaid, so to order and appoint such salaries, that the same may bear a constant proportion to the

Salaries of governors and task-masters to arise as much as possible from the profits of work done in the houses.

the quantity of labour performed in each several house, and that it may become the interest, as well as duty, of each governor and task-master to see that all persons under his and their custody and direction be regularly and profitably employed.

Committee may, with such approbation as aforesaid, vary the number of officers.

XIX. Provided nevertheless, and be it further enacted, That it shall be lawful for the said committee, from time to time, with such approbation, confirmation, and allowance as aforesaid, to increase, diminish, discontinue, or vary, the number of officers to be appointed for any such house in pursuance of the directions aforesaid, except by taking away or discontinuing any of the offices of governor, matron, chaplain, and surgeon or apothecary to the same.

The governor of each house to be a body corporate, and accountable for the conduct of his servants.

XX. And be it further enacted, That the governor of every such penitentiary house shall be a body corporate, and shall sue and be sued, by the name of *the governor of the penitentiary house for males* (or *for females*, as the case shall require,) in the parish or place wherein it shall happen to be situated; and shall from time to time employ such servants, overseers, and assistants, as he shall think proper and necessary, and for whose conduct he shall be answerable; provided that the said governor do employ no other but males, in the houses set apart for male convicts, and females, where the work can be performed by females, in such as shall be set apart for female convicts.

Governor empowered to contract for clothing, diet, &c. necessary for the offenders, with the approbation of the committee.

XXI. And be it further enacted, That the said governor shall also have power to make contracts with any persons whomsoever, for the clothing, diet, and all other necessities for the maintenance and support of the offenders confined in such house, for implements or materials of any kind of manufacture, trade, or mystery, in which offenders confined in such house shall be employed, such contracts being previously approved by the committee, and also to carry on such manufacture and mystery in such house, and to sell such goods, wares, and merchandize, as shall be there wrought and manufactured; and the governor of every such penitentiary house shall cause all accounts touching the maintenance of such house, and the offenders therein, to be entered regularly in a book or books to be kept for that purpose; and also the governor and storekeeper shall each keep separate accounts of all such stock and materials as shall be brought into such house for employing such offenders; and such stock and materials shall from time to time be delivered out by the said storekeeper, as occasion shall require, to the task-master, who shall give receipts to such storekeeper for the same, and shall distribute the same amongst the several offenders to be employed in working thereon; and such task-master, or his assistants, shall constantly superintend the work of the said offenders, and take an account of every neglect of work, or other misbehaviour, and likewise of any extraordinary diligence or good behaviour in any of such offenders, and from time to time shall report the same to the governor, who shall cause the same to be entered in a book to be kept for that purpose; and such task-master shall also keep accounts of the quantities daily worked by

Accounts relating to the maintenance of each house, &c. to be entered in a book.

Duty of the store-keeper and task-master.

by the several offenders, and shall return the materials, when wrought and manufactured, to the storekeeper; who shall give receipts to the taskmaster for the same, and shall from time to time, with the privity and approbation of the governor, sell and dispose thereof, and pay the money arising from such sales to the governor, who shall be accountable for the same to the committee, in manner herein-after mentioned; and the said governor and storekeeper shall keep separate accounts of the materials so wrought, manufactured, sold, and disposed of, and the several sums of money for which the same shall be so sold, and when sold, and to whom, in books to be provided for those purposes.

XXII. And be it further enacted, That the said several books so to be kept by the said governor and storekeeper, and the several entries therein, shall be examined by the said committee, and shall be by them compared with the several receipts and other vouchers, and shall be verified by such governor and storekeeper, upon oath, if required, before such committee, and shall, if approved of by such committee, be allowed, and signed by any two of them, and if such committee shall disapprove of any articles in such accounts, they shall disallow the same.

The books to be kept by the governor and storekeeper, shall be examined by the committee.

XXIII. And be it further enacted, That if the said committee shall suspect any fraudulent or improper charges in any of such accounts of the said governor or storekeeper, or any omission thereout, they may examine upon oath the said governor, storekeeper, or any of the officers or servants belonging to such house, or any of the persons employed about the same, or any persons of whom any necessities, stock, materials, or other things, have been purchased for the use of such house, or any persons to whom any stock or materials, wrought or manufactured therein, have been sold, or any of the offenders confined in such penitentiary house, or any other persons, touching any of the articles contained in such accounts, or any omission thereout; and in case there shall appear in any such accounts any false entry, knowingly or wilfully made, or any fraudulent omission thereout, or any other fraud whatsoever, or any collusion, between any officer or officers, or servants, belonging to such house, or between any such officer or officers, servant or servants, and any other person or persons, then, besides the private satisfaction in damages which the parties or party injured may be entitled to recover by law, the said committee may dismiss any such officer or officers, who shall to them appear to have been guilty of any such false entry, omission, fraud, or collusion, and appoint another, or others, in his, her, or their stead; and if the said committee shall see fit, they shall cause an indictment or indictments to be preferred against the officer or officers, servant or servants, so offending, at or next quarter or other general session of the peace to be held for the county, riding, liberty, division, city, corporation, or place, wherein such penitentiary house shall be situated, or for any other adjoining county; and in case such person or persons so indicted shall be found guilty of such offence or offences,

who, on suspicion of any fraudulent charges, &c. may examine upon oath any persons concerning the same.

If any fraud or collusion shall appear, the committee may dismiss the offender.

and may prefer an indictment against him at the next quarter sessions.

ces, he, she, or they shall be punished by fine and imprisonment, or either of them, at the discretion of the court.

Committee to certify to the court of King's Bench when the penitentiary houses are fitted for reception of offenders; after which, a limited number of persons convicted, at any session of oyer and terminer, &c. in England or Wales, of any crime punishable by transportation, may be sent to and confined in such houses.

The respective terms of confinement.

Limitation of the number of offenders to be sent from each of the Welsh circuits, and from each of the English circuits respectively.

XXIV. And be it further enacted, That when the penitentiary houses herein-before directed to be built, shall be fitted and completed for the reception of offenders, and proper officers shall be appointed for the care and management thereof, the said committee shall certify, under their hands and seals, to the justices of the court of *King's Bench*, that such houses are so fitted and completed, and that such officers have been appointed; and after the making of such certificate, where any person shall, at any session of oyer and terminer, or gaol delivery, to be holden for the county of the city of *London*, or the county of *Middlesex*, or during the assizes for any other county within that part of *Great Britain* called *England*, or at any great session to be holden for the county palatine of *Chester*, or within the principality of *Wales*, be lawfully convicted of grand or petty larceny, or any other crime for which he or she shall be liable by law, either under this statute or any other statute now in force, or hereafter to be made, to be transported to any parts beyond the seas, it shall be lawful for the court before which any such person shall be so convicted, or any court held for the same place with like authority, if such court shall think fit, in the place of such punishment by transportation, to order and adjudge that such person shall be punished, by being imprisoned and kept to hard labour, in one of such penitentiary houses, for any term not exceeding two years, in case of petty larceny; and for any term, if such offender be a male, not less than one year, or if such offender be a female, not less than six months, nor exceeding, in either case, five years, if he or she is liable by law, on account of any other crime, to be transported for seven years; and for any term not less than two years, nor exceeding seven years, in case any such offender is liable by law to be transported for fourteen years.

XXV. Provided always, That during the continuance of this act, not more than two offenders shall be sent to such penitentiary houses, from all the great sessions, to be holden within any one of the four circuits of *Chester* or *Wales*, either in spring or summer; nor shall more than four offenders be sent from any one session of oyer and terminer, and gaol delivery, to be holden for the city of *London*, nor more than nine offenders from any one session of oyer and terminer, and gaol delivery, to be holden for the county of *Middlesex*; and that not more offenders than is herein-after specified shall be sent from all the sessions of oyer and terminer, and gaol delivery, to be holden within each of the several spring circuits, and not more than the like number from all the said sessions within each of the summer circuits of *England*; that is to say, from all the said sessions within each of the two annual northern circuits, eight; within each of the two annual midland circuits, ten; within each of the two annual *Norfolk* circuits, ten; within each of the two annual *Oxford* circuits, twelve; within each of the two annual western circuits.

culps, twelve; and within each of the two annual home circuits, sixteen offenders.

XXVI. Provided also, and be it further enacted, That in the mean time, and until such certificate shall be made as aforesaid, it shall be lawful for the court in which any such offenders as aforesaid shall be convicted, or any other court held for the same place, and with like authority, to order and adjudge such offenders, not exceeding the numbers herein-before respectively limited, to be imprisoned and kept to hard labour, for the several terms aforesaid, in the respective houses of correction, or other proper places, within each respective county; which houses of correction, or other proper places, shall, during such time, be deemed and esteemed to be penitentiary houses, to all intents and purposes, within the meaning of this act, except only with regard to the appointment of officers and servants, and other interior regulations of such houses, directed by this act; and when such certificate shall be made as aforesaid, the offenders then imprisoned in such houses of correction, or other places, by virtue of this act, shall be transferred to such new-erected penitentiary houses, for the residue of the several terms during which they were ordered and adjudged to be imprisoned; and the justices of the peace for every county, at their several quarter sessions to be holden next after the feast of *Saint Thomas the Martyr*, in the year of our Lord one thousand seven hundred and seventy-nine, or at any adjournment of the same sessions, are hereby required to give directions for the temporary reception, safe custody, employment, and due regulation of such offenders, the expences of which, being previously examined and allowed by the said justices at their quarter sessions, shall be paid by the treasurer of each respective county, who shall be allowed the same in his accounts.

XXVII. And, for the more severe and effectual punishment of atrocious and daring offenders, be it further enacted, That, from and after the first day of *July*, one thousand seven hundred and seventy-nine, where any male person, at any session of oyer and terminer, or gaol delivery, to be holden for the county of the city of *London*, or for any other county within that part of *Great Britain* called *England*, or for the royal franchise of *Ely*, or at any great session to be holden for the county palatine of *Chester*, or within the principality of *Wales*, shall be lawfully convicted of grand larceny, or any other crime, except petty larceny for which he shall be liable by law to be transported to any parts beyond the seas, it shall and may be lawful for the court before whom any such person shall be so convicted, or any court holden for the same place with like authority if such court shall think fit, in the place of such punishment by transportation, to order and adjudge, that such person, appearing to be of competent age, and free from any bodily infirmity, shall be punished by being kept on board ships or vessels properly accommodated for the security, employment, and health of the persons to be confined therein,

Until certificate shall be made as aforesaid, the court in which such offenders shall be convicted, may order the number above specified to hard labour in the house of correction, &c. for the county;

all of whom shall be transferred to the penitentiary houses as soon as they are ready for their reception.

Any male convicted, in England or Wales, of any crime (except petty larceny) punishable by transportation, may, if of competent age and bodily strength, be kept to hard labour in cleaning the Thames, &c. for any term not less than one year, nor more than seven years.

therein, and by being employed in hard labour in the raising sand, soil, and gravel from, and cleansing, the river *Thames*, or any other river navigable for ships of burthen, or any port, harbour, or haven, within that part of *Great Britain* called *England*, such river, port, harbour, or haven, being previously approved and appointed for that purpose by order of his Majesty in his privy council, or in any other service for the benefit of the navigation of the said rivers, ports, harbours, or havens, or in any other publick works upon the banks or shores of the same, under the management and direction of such superintendant or superintendants as hath been or shall be appointed, for the river *Thames*, by the justices of the peace for the county of *Middlesex*, and for other rivers, ports, harbours, or havens, by the justices of the peace for the counties wherein such rivers, ports, harbours, or havens, are situated, or of such of the counties next adjoining to the same, respectively, as his Majesty in council shall direct, at their quarter or other general session of the peace, for such term, not less than one year, nor exceeding five years, or in case such offender shall be liable to be transported for fourteen years, not exceeding seven years, as such court of oyer and terminer, or gaol delivery, shall think fit to order and adjudge.

In case his Majesty should extend his mercy to any person convicted of any felony punishable by death, the judge shall order the offender to be kept to hard labour in a penitentiary house, or on the *Thames*, &c. for the time specified by the secretary of state.

XXVIII. And be it further enacted, That where any person, shall at any session of oyer and terminer, or gaol delivery, or great session, within *England* or *Wales*, be lawfully convicted of any robbery, or other felony, for which he or she shall by law, either under this statute, or under any other statute now in force, or hereafter to be made, be liable to suffer death, without benefit of clergy, and his Majesty shall be graciously pleased to extend the royal mercy to any such offender, upon condition of being kept to hard labour, during any specified term, in any penitentiary house to be erected in pursuance of this act, or, such offenders being males, upon condition of being kept to hard labour, during any specified term, in the custody of such superintendant or superintendants as aforesaid, for the benefit of the said navigations; and such intension of mercy shall be notified, in writing, by one of his Majesty's principal secretaries of state, to the court in which such offender shall be convicted, or to any court held for the same place with the like authority; or, if no such court shall be sitting, then to any justice of oyer and terminer, or gaol delivery, or justice of great sessions, by or before whom such offender shall have been convicted or condemned; such court or justice may and shall, immediately on receiving such notification, allow to every such offender the benefit of a conditional pardon, in the same manner as if there was a conditional pardon under the great seal; and may and shall order, that every such offender shall be kept to hard labour in such penitentiary house as aforesaid, or in the custody of such superintendant or superintendants as aforesaid, for the time specified in the notification from such secretary of state.

XXIX. And

XXIX. And be it further enacted, That when any offender shall be ordered and adjudged to be kept to hard labour in any of the manners aforesaid, the clerk of assize, or other clerk of the court in which such offender shall be convicted, shall give to the sheriff or gaoler, having the custody of such offender, a certificate in writing under his hand, containing an account of the christian name, surname and age, of such offender; of his or her offence, of the court before which he or she was convicted, and of the term for which he or she shall be so ordered to hard labour; and the sheriff or gaoler, having the custody of such offender, shall, with all convenient speed, after the making of such order, and the receiving such certificate, convey such offender, or cause him or her to be conveyed, to such house or place to which such order shall direct him or her to be conveyed; and shall deliver such offender, or cause him or her to be delivered, together with such certificate, to such governor or superintendant as aforesaid, or to such person or persons as such governor or superintendant shall appoint; and such governor or superintendant, or other person or persons to whom such offender shall be so delivered, shall give a proper receipt in writing, under his or their hand or hands, to the sheriff or gaoler so delivering such offender, which shall be his sufficient discharge; and such governor or superintendant shall transmit such certificate to the clerk of the peace of the county or place wherein such penitentiary house, or other place of confinement, shall be situated, to be filed with the records of the sessions.

XXX. And be it further enacted, That the clerk of assize, or other clerk of the court, shall have the same fee, gratuity, or satisfaction, on granting such certificate, and the sheriff or gaoler shall have the same fee on delivering out of his custody any such offender so to be ordered to any such penitentiary house, or other place of hard labour, as hath usually been paid, and would have been due to them respectively, if such offender had been sentenced to transportation, except in the case of petty larceny, wherein they shall have only such fees as have usually and of right been paid upon conviction for the said offence, and judgement to be whipped for the same; and such fees, gratuities, and satisfaction, and also all expences to be incurred by any sheriff or gaoler in the conveyance of any such offender whatever to the house or place to be appointed for his or her confinement, such expences being previously examined and allowed by the justices of the peace at their quarter or other general session, shall be paid by the treasurer of the county or place for which the court in which such offender shall be convicted shall have been held, to such clerk of assize, or other clerk of the court, and to such sheriff or gaoler respectively, and every such treasurer shall be allowed every such payment in his accounts.

XXXI. And be it further enacted, That after delivery of any such offender as aforesaid into the custody to which he or she shall be ordered or adjudged, such governor or superintendant,

When any offender shall be ordered to hard labour, the clerk of assize, &c. shall give a certificate to the sheriff or gaoler,

who shall deliver such offender and certificate to the governor or superintendant, &c. who shall give a receipt for the same.

Fees to be paid to the clerk of assize, &c. and to the sheriff or gaoler. Such fees, and the expences of conveying offenders to their place of confinement, to be paid by the county treasurer.

Governor or superintendant to have the same power over

offenders in
his custody as
a sheriff or
gaoler.

dant, or other person having the custody of offenders under his direction, shall, during the term for which such offender shall be ordered to hard labour, have the same powers over such offender as are incident to the office of a sheriff or gaoler; and in case of any abuse of such custody, or other misbehaviour or negligence in the discharge of his office, shall be liable to the same punishment as a gaoler is now liable to by law.

All offenders
in the peni-
tentiary
houses, who
are able, are
to be kept to
labour of the
hardest and
most servile
kind;

XXXII. And be it further enacted, That every such governor of each of such penitentiary houses shall, during the term prescribed for the imprisonment and hard labour of such offender, keep him or her, so far as may be consistent with his or her sex, age, health, and ability, to labour of the hardest and most servile kind, in which drudgery is chiefly required, and where the work is little liable to be spoiled by ignorance, neglect, or obstinacy, and where the materials or tools are not easily stolen or embezzled, such as treading in a wheel, or drawing in a capstern, for turning a mill or other machine or engine, sawing stone, polishing marble, beating hemp, rasping logwood, chopping rags, making cordage, or any other hard and laborious service; and those of less health and ability, regard being also had to age and sex, in picking oakum, weaving sacks, spinning yarn, knitting nets, or any other less laborious employment; and if the work to be performed by any such offenders shall be of such a nature as may require previous instruction, proper persons shall be provided to give the same, by order of the said committee, to whom a suitable allowance shall be made.

and those of
less ability are
to be employ-
ed in less la-
borious work.

Offenders
during the
hours of rest,
to be lodged
in small
rooms, sepa-
rate from each
other;

XXXIII. And be it further enacted, That such offenders as shall be sent to either of such penitentiary houses shall, during their hours of rest, be kept entirely separate and apart from each other, and be lodged in separate rooms or cells, not exceeding twelve feet in length, eight feet in breadth, and eleven feet in height, nor less than ten feet in length, seven feet in breadth, and nine feet in height, and without any window within six feet of the respective floors; which rooms or cells shall be dried and moderately warmed, in damp or cold weather, by flues from the fires in the kitchens, and other publick fires belonging to each house; and the said offenders shall also, during their hours of labour, in case the nature of their several employments will permit, be in like manner kept separate and apart from each other; and where the nature of the employment may require two persons to work together, the room in which such two persons shall work shall be of suitable dimensions; and if the nature of the work wherein any such offenders shall be employed shall require the labour of many persons at one time, a common work-room, or shed shall be allotted to them for that purpose; but during the time the offenders are employed in such common work-room or shed, the governor of the said house, or the task-master, or one or more of their servants or assistants, shall be constantly present, to attend to the behaviour of such offenders; and such two or more persons shall

and during
the hours of
labour also to
be kept sepa-
rate as much
as the nature
of their em-
ployments will
allow.

not be suffered to continue together, except during the hours of labour, and divine service, and the times respectively allotted for their meals and airings.

XXXIV. And be it further enacted, That such offenders shall be employed in work, at the said penitentiary houses, every day in the year, except *Sundays, Christmas-day, and Good Friday*, and also except such days when ill health will not allow of their working; and the hours of work in each day shall be as many as the season of the year, with an interval of half an hour for breakfast, and an hour for dinner, will permit, but not exceeding eight hours in the months of *November, December, and January*, nine hours in the months of *February and October*, and ten hours in the rest of the year; and when such hours of work are passed, the working tools, implements, and materials, or such of them as will admit of daily removal, shall be removed to places proper for their safe custody, and there be kept till the hour of labour shall return.

The hours of work in different parts of the year.

XXXV. And be it further enacted, That every offender who shall be ordered to either of such penitentiary houses shall, during the time of his or her confinement therein, be fed and sustained with bread, and any coarse meat, or other inferior food, and water, or small beer; and shall be clothed with a coarse and uniform apparel, with certain obvious marks or badges affixed to the same, as well to humiliate the wearers as to facilitate discovery in case of escapes; the whole to be ordered in such manner as the committee aforesaid shall from time to time appoint for those purposes; and no such offender shall, during the time of his or her confinement, be permitted to have any other food, drink, or clothing, than such as shall be so appointed; and if any person or persons shall wilfully supply any such offender, at any time during the term of his or her confinement, with any food, drink, or clothing, other than such as shall be so appointed, or with any money, he or she so supplying such offender shall, for every such offence, forfeit a sum not exceeding ten pounds, nor less than forty shillings.

How the offenders shall be fed and clothed.

Penalty on supplying them with other food or clothing.

XXXVI. And be it further enacted, That no officer or servant of either of such penitentiary houses shall supply any of the offenders therein with any money, clothing, provisions, or diet, or with any spirituous or other liquors whatsoever, except such money, clothing, provisions, or diet, or such water and small beer, as the governor of the house shall from time to time permit or direct, and except such diet and liquors as the surgeon or apothecary attending such house shall think proper to order for any such offenders, in case of illness; and in case any such officer or servant shall be found guilty of carrying to any such offender, or of knowingly permitting to be carried to any such offender any money, clothing, provisions, or diet, or liquors whatsoever, contrary to the intent of this act, such officer or servant shall immediately be suspended by the said governor; who shall report the same to the committee at their next meeting; and such committee shall enquire thereof upon oath, and shall

If any officer or servant in either of the penitentiary houses shall supply any offender with money, provisions, &c. contrary to this act, he shall be suspended by the governor, and reported to the committee;

who may punish him by fine and imprisonment.

punish such officer or servant by forfeiture of office, by any fine not exceeding ten pounds, and by imprisonment for any term not exceeding six months, or by any one or more of such punishments, as the said committee shall, in their discretion, think proper.

Offenders, when brought to the penitentiary houses, to be separately lodged, and washed, and examined by the surgeon;

XXXVII. And be it further enacted, That when any offender, who shall be ordered to hard labour in either of such houses as aforesaid, shall be brought thither in pursuance of the powers contained in this act, he or she shall be separately lodged, and washed, cleansed and purified, and shall then be examined by the surgeon or apothecary, and shall continue in such separate lodging until it be certified by such surgeon or apothecary that he or she is fit to be received among the other convicts, and the clothes in which he or she shall then be clothed shall be burnt, if necessary, or otherwise shall be sold and disposed of, at the discretion of the governor, and the produce thereof shall be accounted for to the committee aforesaid; and such offender shall not be dismissed at the end or other determination of his term, unless at his own request, if he shall then labour under any acute or dangerous distemper, nor until he can be safely discharged; and when such offender shall be finally discharged, such other decent clothing as shall be judged necessary and proper by the committee aforesaid, shall be delivered to such offender, and also such sum of money, for his or her immediate subsistence, as the said committee shall think proper, so as such sum shall not exceed three pounds, nor be less than twenty shillings, in case such offender shall have been confined in such penitentiary house for the space of one year, and so in proportion for any shorter term of confinement; and if such offender, at the end or other determination of his or her term, shall procure any reputable master of a ship, or tradesman, or other substantial house-keeper, to take him or her into service, or provide him or her with proper employment for one year then next ensuing, the same to be approved by the committee aforesaid, he or she, having served accordingly, shall be entitled at the end of the year to another sum of money, equal to that which was allowed to him or her at the time of his or her dismissal.

and when discharged, to be furnished with decent clothing and money;

and after having continued in a reputable service for one year, to be entitled to a further sum of money.

The offenders to be divided into three classes, and the term of their confinement to be divided into three equal parts, &c.

XXXVIII. Provided always, and be it further enacted, That the several offenders to be sent to each of such penitentiary houses shall be divided into three classes, which shall be called *The First, Second, and Third Class*; for which purpose the time for which such offenders shall severally be committed shall be divided into three equal parts; and during the first part of the time of the imprisonment of every such offender, he or she shall be ranked in the first class, and during the second part of such time, he or she shall be ranked in the second class, and during the third and last part of such time, he or she shall be ranked in the third class; and the confinement and labour of such offenders as shall from time to time be ranked in the first class, shall be the most strict and severe, and the confinement and labour of the offenders ranked in the second class, shall be more moderate,

rate, and the confinement and labour of those ranked in the third class, shall be still more relaxed; which several degrees of confinement and labour, so to be affixed to each class, shall from time to time be settled by the said committee, by orders of regulation to be approved of in manner aforesaid, but so as not to defeat or elude the special provisions made and appointed by this act.

XXXIX. Provided also, That it shall and may be lawful to and for the governor of each such houses to employ, at his discretion, any of the offenders aforesaid, who shall be ranked in the said third class, as servants, overseers, or assistants, in the management of the works, and care of their fellow prisoners, instead of being confined to such their daily labour as aforesaid.

Governor may employ offenders in the third class as servants, &c.

XL. And be it further enacted, That each of the lodging-rooms which shall be appointed in the said penitentiary houses, for the offenders so confined therein, shall be provided with an iron bedstead, with matting for lying upon, one or more hempen sheets, a coverlet, and two or more coarse blankets; and no person, except the officers and servants of the house, and such person or persons as shall be authorised by order of any two of the committee aforesaid, shall be permitted to go at any time into such lodging-room, or to see or converse with the offenders; and every night in the year the doors of all such lodging-rooms shall be locked, and all lights therein extinguished, after the hour of nine; and a watchman shall patrol each of such penitentiary houses at least twice in every hour during the night, and until return of the time of labour in the morning of the next day.

How the lodging-rooms shall be furnished.

The doors to be locked, and lights extinguished, every night at nine.

XLI. Provided always, That it shall and may be lawful for any justice or justices of the peace, acting for the county or place wherein such penitentiary houses, or places of confinement, to be provided in pursuance of this act, shall be situated, at all reasonable times, to visit and inspect every part of such penitentiary houses, or places of confinement, in order to make report to the quarter sessions, or give notice to the inspector, hereinafter mentioned, of any abuse or mismanagement which he or they may observe therein.

Justices for the county may inspect the penitentiary houses, &c. at all reasonable times.

XLII. And be it further enacted, That the chaplain shall read morning and evening prayers, in the chapel of each of such penitentiary houses, and preach a sermon both morning and afternoon, on every *Sunday* in the year, and also on every *Christmas-day* and *Good-Friday*; and all the offenders confined in such house, who shall not be disabled by illness, shall attend the said prayers and sermons, which shall also be attended by the resident officers, and by the servants of such house, or such of them as can be spared from their several employments, and shall not be prevented by illness; and the said chaplain shall visit, with the leave of the governor, any of the offenders, either sick or in health, that may desire or stand in need of his spiritual advice and assistance, provided that such visitation, to such of

Chaplain to read morning and evening prayers, and preach two sermons, every Sunday, &c.

and to visit the offenders, with the governor's leave.

the offenders as shall be in health, shall not interfere with their stated hours of labour.

Large yards, properly secured, to be adjoining to the penitentiary houses, for the offenders to walk in and air themselves.

XLIII. And be it further enacted, That there shall be, adjoining to each of such penitentiary houses, one or more large and airy yards or places, inclosed and properly secured, in which, and on the top of such house, if the building will admit such a convenience, the offenders ordered to be confined in such house shall be permitted to walk and air themselves, for such stated time as their health may require, and the governors shall respectively permit; and if proper employment can be found, such offenders may also be permitted to work in such yards, instead of their lodging-rooms or work-rooms; but such airing or working in such yards shall never be permitted unless in the presence or within the view of the governor or task-master, or some of their servants or assistants.

Offenders, when sick, to be visited by the surgeon, and, if necessary, to be sent to the infirmary.

XLIV. And be it further enacted, That in case any such offender shall appear to be sick, he or she shall be visited by the surgeon or apothecary attending such house, and if the sickness be found to be real, the said surgeon or apothecary shall report the same to the governor; who shall, if the sickness be of such a nature as to require it, order such offender to be sent to the infirmary belonging to such house, and to be entered in a book to be kept for that purpose as sick; and when such offender shall have so far recovered his or her health, as that the said surgeon or apothecary shall judge him or her in a proper condition to quit the infirmary, and to return to his or her employment, and the said apothecary shall so report, the said governor shall order such offender to be brought back to his or her lodging-room, and to be again employed in labour, so far as shall be consistent with the health of such offender.

Two of the committee to attend at each penitentiary house every fortnight, when they shall see the offenders, and inspect the accounts of the governor and storekeepers, &c.

XLV. And be it further enacted, That the said committee, or any two of them, shall attend at each of the said penitentiary houses once at least in every fortnight; and on every such attendance shall examine the state of such house, and shall see every offender confined there, and not disabled by sickness; and shall inspect the accounts of the governor and storekeepers, and also examine the conduct and management of such house, and the behaviour of the officers thereof, and of the offenders confined therein; and the said committee are hereby authorized and empowered to confer rewards and encouragements on such of the said offenders as shall appear the most diligent and meritorious, by giving them a small part of the profits of their daily or weekly earnings, to be properly applied for the use and benefit of themselves or families, or by permitting them to work, during the intervals of their stated labour, for the like use and benefit.

Governor empowered to hear complaints of certain offences, and to punish the offenders.

XLVI. And be it further enacted, That the governor of each of such penitentiary houses shall have power to hear all complaints touching any of the following offences; that is to say, disobedience of any of the orders of the house; assaults by one person confined in such house upon another, when no dangerous wound

wound or bruise is given; profane cursing and swearing, or indecent behaviour; absence from chapel, or irreverent behaviour there; and idleness or negligence in work, or wilful mismanagement of it; all which are declared to be offences by this act; and the said governor may examine any persons touching such offences, and may determine thereupon, and may punish such offences, either by moderate whipping, or by ordering the offenders to close confinement in the dungeons of such house, and by keeping them upon bread and water only, for any term not exceeding three days.

XLVII. And be it further enacted, That if any offender who shall be committed to any such penitentiary house shall, during the term for which he shall be so committed, be guilty of any offence which the governor of such house is not hereby authorised to punish, or for which the punishment which such governor is hereby authorised to inflict shall by such governor be deemed not sufficient, by reason of the enormity of the offence, or the repetition thereof, such governor may, and he is hereby required to confine such offender, either in his or her own lodging-room, or in one of the dungeons belonging to such house, till the next meeting of the said committee, and shall then report such offence, with the nature and particular circumstances thereof, and the name of the offender, to the said committee; and such committee shall have power to enquire of, upon oath, and determine concerning all such offences so reported to them as aforesaid, and shall order such offenders to be punished, either by moderate whipping, or repeated whippings, by close confinement in one of the dungeons, with bread and water only for sustenance, for any term not exceeding one month, or by removing such offenders, if ranked in the second or third class, into any prior class, or by any or all of such punishments; and in case of removal into any prior class, the offender shall, from the time of making such order of removal, go through such prior class, and also the subsequent class or classes, in the same manner as under his or her original commitment, and for such additional time as such committee shall think proper to order, so as the whole time of confinement, to be computed from such order of removal into such prior class, to the final discharge of the offender, shall not exceed the original term for which he or she was committed.

Enormous offenders to be confined by the governor, and reported to the committee at their next meeting.

Committee to enquire concerning such offences, and to punish the offenders.

XLVIII. And be it further enacted, That whenever by this act the said committee, or any two of them, are empowered or directed to make any enquiry, or receive any proof upon oath, any one of the said committee is hereby authorised to tender and administer such oath; and any two of the said committee may summon, or cause to be summoned, such witnesses as they shall think meet, to appear and give evidence before them; and if any person, being duly summoned, shall refuse or neglect to appear, or being present, and competent to be a witness, shall refuse to be sworn, or being sworn, shall refuse to give evidence, such

Any one of the committee may administer an oath, &c.

Penalty on persons summoned who shall refuse to appear, &c.

such person shall forfeit any sum not less than twenty shillings, or more than ten pounds, at the discretion of the said committee.

Committee to report to the judges at the next assizes all offenders who shall manifest extraordinary diligence or merit; who may shorten their time of confinement, &c.

XLIX. And be it further enacted, That if the said committee shall at any time observe, or be satisfactorily informed, of any extraordinary diligence or merit in any of the offenders under their inspection, they shall report the same to the justices of oyer and terminer, and gaol delivery, or great session at their next or any subsequent session to be holden for the county in which such offender was convicted; and such justices, if the offender shall be committed for a certain term of months or years, shall and may, if they shall think proper, shorten the confinement of such offender, on condition that such offender, being a male, shall engage himself to serve in the sea or land forces, or without any condition, as to them in their discretion shall seem meet; and if the offender shall be committed for life, in pursuance of a conditional pardon, such justices shall, if they think proper, report him or her to his majesty as an object of royal mercy.

Male convicts, after they are delivered to the superintendants, shall be washed, and their clothes changed, &c.

L. And be it further enacted, That after the delivery of any such male offender into the custody of any such superintendant or superintendants as aforesaid, he shall be confined in some secure place or vessel, to be provided for the sole purpose of receiving such offenders on their first arrival, and shall be washed and cleaned, and his clothes shall be burnt, if it is deemed necessary, and others provided for him; and he shall remain there for the space of four days at the least, unless, during that time, he shall be found to be infected with any putrid or contagious fever, or other disease; in which case he shall be immediately sent to the hospital or infirmary, till such time as the surgeon or apothecary attending the same shall think it safe to remove him on board one of the vessels appointed for the confinement of offenders in general, and to lodge him among the healthy convicts.

An hospital to be provided for the sick, &c.;

LI. And be it further enacted, That there shall be provided for the reception of such offenders, in the custody of every superintendant, as shall happen to be sick, or to be disabled by any wound or accident, a secure place or vessel, to serve as an hospital or infirmary, with such proper assistants as may be necessary for their speedy recovery, but the whole to be under the charge and controul of such superintendant aforesaid, who shall be liable to answer for the escape of any offender so removed to such hospital or infirmary; and there shall also be provided, by the said superintendant, a large piece of ground, securely fenced and inclosed, for a garden and airing-ground, in which shall be raised proper vegetables for the use of the offenders under the custody of every such superintendant; who shall be at liberty to employ such of the invalid offenders, recommended for that purpose by the surgeon or apothecary, as the said superintendant shall think proper, and for whose escape he shall be liable to answer, in the culture and management of such garden.

likewise a large garden for raising vegetables for the use of the offenders.

LII. And be it further enacted, That, subject to the exceptions and provisions aforesaid, every such superintendant or superintendants shall, during the term prescribed for the imprisonment and hard labour of every such offender, keep him to hard labour, either in raising sand, soil, and gravel, or in any other laborious service, for the benefit of the navigation of the *Thames*, or of such other navigable rivers, ports, harbours, or havens, as aforesaid, or in any other publick works upon the banks or shores of the same; but when the said laborious service shall be for the navigation of the *Thames*, then at such places only, and subject to such limitations and restrictions, as the master, wardens, and assistants of the trinity house shall, from time to time, prescribe.

Offenders, in custody of the superintendant, to be employed in raising sand, &c. for the benefit of the navigation of the *Thames*, &c.

LIII. Provided nevertheless, that such offenders shall in no case be employed in delivering tonnage or ballast to masters and commanders of ships, but only in digging, raising, and taking up the gravel, sand, and soil, from the shelves and sand-banks of the said rivers, ports, harbours, or havens, and in discharging the same upon the shore, above the high-water mark, except in such cases where any embankment or sea-wall shall be directed to be made or repaired, or in some other laborious service for the benefit of such navigations, or for completing such other publick works as aforesaid.

but not in delivering ballast to masters of ships.

LIV. And be it further enacted, That every offender, who shall be ordered to hard labour in the custody of such superintendant or superintendants as aforesaid, shall, during the time of such service, be fed and sustained with bread, and any coarse meat, or other inferior food, and water or small beer, and also clothed, at the discretion and under the direction of such superintendant or superintendants; and such offender shall not, during the term of such service, be permitted to have any other food, drink, or clothing, than such as shall be so directed; and if any person shall supply any such offender, at any time during the term of his said service, with any drink, food, or clothing, other than such as shall be so directed, or with any money, he or she so supplying shall, for every such offence, forfeit a sum not exceeding ten pounds, nor under forty shillings.

Offenders to be fed with bread, coarse meat, &c. and water or small beer.

LV. And be it further enacted, That if any offender, who shall be so delivered to such superintendant or superintendants to be kept to hard, shall, during the term of such service, refuse to perform any labour authorised by this act, or shall be guilty of any other misbehaviour or disorderly conduct, it shall be lawful for the superintendant or superintendants, having the custody of any such offender, to order such whipping, or other moderate punishment, to be inflicted upon him, as may be inflicted by law on persons committed to a house of correction for hard labour.

Penalty on persons supplying them with any other food, &c.

Offenders who refuse to work, or otherwise misbehave themselves, may be whipped, &c.

LVI. And be it further enacted, That every offender, who shall be delivered to such superintendant or superintendants to be kept to hard labour in manner aforesaid, shall, at the end of the term of such service, and upon being restored to his liberty, receive of money, not

Every offender, at the end of his confinement, shall receive a sum of money, not

less than 20s.
nor more than
3 l. with de-
cent clothing.

His Majesty,
on the good
behaviour of
offenders, may
shorten the
term of their
confinement.

Offenders,
who shall con-
tinue in a re-
putable ser-
vice for one
year from the
time of their
dismissal, to
be intitled to
a further sum
of money.

Offenders la-
bouring under
acute distem-
pers not to be
dismissed, un-
less they desire
it.

Directions re-
lative to the
burial of of-
fenders who
shall die in cus-
tody of the su-
perintendants.

receive from the superintendant or superintendants, under whom he shall have so served, such sum of money, not being less than twenty shillings, nor more than three pounds, in case he hath been confined for one year, and so in proportion for any shorter term, together with such decent clothing as the court, into which such returns shall be made, as herein-after mentioned, shall appoint: and if any such offender, whilst confined to hard labour in manner aforesaid, shall, by his industry and other good behaviour, shew such signs of reformation as shall induce the said court to recommend him as an object of his Majesty's mercy, and it shall be thereupon signified, by a letter from one of his Majesty's principal secretaries of state, to the superintendant or superintendants as aforesaid, that his Majesty thinks fit, in consideration of such good behaviour, to shorten the duration of such offender's term, such offender shall be accordingly set at liberty at the time mentioned in such letter, and shall, together with necessary clothing, receive a sum of money from his superintendant or superintendants, in proportion to the time of his confinement, according to the rates aforesaid; and any such offender so dismissed at the end or other determination of his term, who shall procure any reputable master of a ship, or tradesman, or other substantial house-keeper, to take him into service, or provide him with proper employment, for one year then next ensuing, the same to be approved by such superintendant or superintendants, and who shall serve accordingly, shall be entitled, at the end of the year, to another sum of money, equal to that which was allowed him at the time of his dismissal.

LVII. Provided always, That no offender shall be dismissed out of the custody of the said superintendant or superintendants, at the end or other determination of his term, unless at his own request, if he shall then labour under any acute or dangerous distemper, nor until he can be safely discharged.

LVIII. And be it further enacted, That in case any of the said offenders shall happen to die in the custody of such superintendant or superintendants as aforesaid, they shall be buried in the most commodious places adjacent to the several rivers, ports, harbours, and havens, in or near which they shall have been respectively employed, according to the form for burial prescribed by the liturgy of the church of *England*; and the necessary charges of such funerals, and also of the coroners who shall sit on the bodies of the offenders so dying in such custody, together with the necessary expences of providing such chaplains, surgeons, and apothecaries, as the said superintendant or superintendants shall find it expedient, or shall be required by the court into which such returns as are herein-after mentioned shall be made, from time to time, to employ in attending the offenders in his or their custody or custodies, shall be paid by such superintendant or superintendants, and brought to account in manner herein-after mentioned.

LIX. Provided always, That such chaplains so to be employed as aforefaid shall read morning and evening prayer, and preach a sermon after each, in every such place of confinement, on every *Christmas-day, Good Friday, and Sunday* throughout the year.

LX. And be it further enacted, That every such superintendent shall, in the custody, treatment, and employment of the offenders committed to his care, conform to and observe the several directions herein-before given for regulating the conduct of the governors of the said penitentiary houses, so far as the nature of the service in which the said offenders shall be employed, and their different places and modes of confinement, will permit, and so far as is consistent with the other regulations and orders contained in this act, with respect to the said offenders.

Superintendent, in the treatment and employment of offenders, to observe the directions before given to the governors of the penitentiary houses, &c.

LXI. And be it further enacted, That each of the governors and superintendants of the several places of confinement to be appointed by virtue of this act, shall keep a regular book or books, for the purposes herein-after mentioned; and from thence, from time to time, shall make true and just returns, specifying the names of all and every the person or persons who shall be committed to their custody, the offences of which they shall have been guilty, the court before which each person was convicted, the sentence of the court, the age, bodily estate, and behaviour of every such convict while in custody, and also the names of all and every the person or persons who shall have died under such custody, or shall have escaped from such place of confinement, or shall have been discharged from thence by order from one of his Majesty's principal secretaries of state, or otherwise; which returns shall be made, the first day of every term, to his Majesty's court of king's bench, and shall be verified on the oath of the person making the same.

Governors and superintendants to keep regular books from which returns are to be made, the first day of every term, to the court of King's Bench, specifying the names and offences, &c. of all persons committed to their custody.

LXII. And be it further enacted, That a state of the accounts of each of the said penitentiary houses shall be laid before the justices of the peace for the county in which the same shall be situated, four times in the year, at their general quarter sessions of the peace, and the said accounts shall be then, or at any other adjourned sessions to be then appointed for that purpose, inspected, and carefully examined; and if the said justices shall observe any notorious waste to have happened, or any extravagant expences to have been incurred, or any other gross mismanagement, they shall report the same to the justices of his Majesty's court of king's bench, who shall immediately take order therein, and check or redress the same.

A state of the accounts of each penitentiary house to be laid before every quarter sessions for the county;

who, if they observe any notorious waste, &c. are to report the same to the court of King's Bench.

LXIII. And be it further enacted, That it shall and may be lawful for his Majesty to appoint one fit and able person to be inspector of the two penitentiary houses to be erected by virtue of this act, and of the several ships and vessels, to be employed on the river *Thames*, for the confinement of offenders as aforefaid, and of all other gaols and places of criminal confinement within the city of *London* and county of *Middlesex*; which inspector shall personally visit and inspect every such place of confinement

His Majesty may appoint an inspector of the penitentiary houses, &c.;

who shall visit and inspect every such place of confinement once a quarter,

and make a faithful report of the state thereof to both houses of parliament, at the beginning of every session.

Expences of executing this act to be laid annually before the house of commons, &c.

Punishment of persons ordered to hard labour who shall break prison or escape from lawful custody.

If any person shall rescue, or attempt to rescue, any offender ordered to hard labour;

finement once at least in every quarter of a year, or oftener, if occasion shall require, and shall diligently examine into the several particulars herein-before directed to be returned to his Majesty's court of king's bench, and also into the state of the buildings, the behaviour and conduct of the respective officers, the treatment and condition of the prisoners, the amount of the several earnings, and the expences attending every such place of confinement, and shall make a faithful report of the same to both houses of parliament, at the beginning of every session, and also in matters of extreme or pressing necessity, shall and may make a special report thereof to the justices of his Majesty's court of king's bench, who shall immediately take order therein, and regulate or redress the same; and such inspector shall continue in such office during his Majesty's pleasure, and shall receive such salary as his Majesty shall appoint, not exceeding two hundred pounds *per annum*.

LXIV. And be it further enacted, That the expences of carrying this act into execution, not herein-before specially provided for, shall be annually laid before the house of commons, and after deducting thereout the nett profits, if any, arising from the earnings of the offenders who shall be kept to hard labour in any of the places of confinement to be appointed by virtue of this act, shall be provided for in the next supplies to be granted to his Majesty by parliament.

LXV. And be it further enacted, That if any person who shall be ordered to hard labour in any of the places of confinement to be appointed by virtue of this act, instead of being capitally punished, shall, at any time during the term for which he or she shall be so ordered to confinement, break prison, or escape from the place of his or her confinement, or in his or her conveyance to such place of confinement, or from the person or persons having the lawful custody of such offender, he or she so breaking prison, or escaping, shall be guilty of felony, without benefit of clergy; but in case he or she so breaking prison, or escaping, hath been ordered to hard labour instead of transportation, he or she shall be punished by an addition of three years to the term for which he or she, at the time of his or her breach of prison, was subject to be confined; and if such person so punished by such addition to the term of confinement, shall afterwards be convicted of a second escape, or breach of prison, he or she shall be adjudged guilty of felony, without benefit of clergy.

LXVI. And be it further enacted, That if any person shall rescue any offender, who by force of this act, or any part of it, shall be ordered to hard labour, in any place of confinement appointed by virtue of this act, either during the time of his or her conveyance to the place appointed for such hard labour, or whilst such offender shall be in the custody of the person or persons under whose care and charge he or she shall be so confined; or if any person shall be aiding or assisting in any such rescue; every such person so rescuing, aiding, or assisting, shall be guilty

of felony, and may be ordered to hard labour in any place of confinement appointed by virtue of this act, for any term not less than one, nor exceeding five years: and if any person having the custody of any such offender as aforesaid, or being employed by the person having such custody, as a keeper, under-keeper, turnkey, assistant, or guard, shall voluntarily permit such offender to escape; or if any person whatsoever shall, by supplying arms, tools, or instruments of disguise, or otherwise, be in any manner aiding and assisting to any such offender in any escape, or in any attempt to make an escape, though no escape be actually made, or shall attempt to rescue any such offender, or be aiding and assisting in any such attempt, though no rescue be actually made, every such person so permitting, attempting, aiding, or assisting, shall be guilty of felony; and if any person having such custody, or being so employed by the person having such custody as aforesaid, shall negligently permit any such offender to escape, such person so permitting shall be guilty of a misdemeanor; and, being lawfully convicted of the same, shall be liable to fine or imprisonment, or to both, at the discretion of the court.

or any person having the custody of such offender shall voluntarily permit his escape,

or any other person shall be assisting therein;

every such person shall be guilty of felony.

LXVII. *And, to the intent that the prosecutions for escapes, breaches of prison, and rescues, may be carried on with as little trouble and expence as is possible, be it further enacted, That any offender escaping, breaking prison, or being rescued, in manner aforesaid, may and shall be tried before the justices of oyer and terminer, or gaol delivery, or at the great sessions for the county where he or she shall be apprehended and retaken; and in case of any prosecution for any such escape, attempt to escape, breach of prison, or rescue, either against the offender escaping, or attempting to escape, or having broke prison, or been rescued, or against any other person or persons concerned therein, or aiding, abetting, or assisting the same, a copy, properly attested, of the certificate herein-before directed to be given to the sheriff, or gaoler by the clerk of the assize, or other clerk for the time being of the court in which such offender shall be convicted, and by such sheriff or gaoler to be delivered, together with the offender, to such governor or superintendant as aforesaid, and by such governor or superintendant, to be transmitted to the clerk of the peace, to be filed with the records of the sessions, shall, after proof made that the person then in question before the court is the same that was delivered with such certificate, be sufficient evidence to the court and jury, not only of the nature and fact of the conviction itself, and the species of confinement to which such person was ordered, but also that the person then in question is the same that was so convicted, and ordered to such confinement.*

Method of trial and conviction of offenders for making escape or breaking prison; and of persons for assisting therein.

LXVIII. *And be it further enacted, That any pecuniary penalties created by this act, for the recovery of which no mode is herein-before prescribed, shall be recoverable before two or more justices of the peace in the county, riding, division, city, liberty, borough, town, or place, in which the offence shall be committed, on proof of the offence by the oath or oaths of*

Penalties of this act how to be recovered and applied.

one or more credible witnesses or witnesses, or on confession of the offender; and one moiety thereof shall be paid to the use of the penitentiary house, or other place of confinement, to which the offence more immediately relates, and the other moiety to the informer or informers prosecuting for the same; and in case of nonpayment, shall be levied by distress and sale of the offender's goods and chattels, by warrant under the hands and seals of such justices; and the overplus of the money raised, after deducting the penalty, and the expences of the distress and sale, shall be rendered to the owner; and for want of sufficient distress the offender shall be sent by such justices to the prison of such county, riding, division, city, borough, town, or place, for such term, not exceeding six months, nor less than one month, as such justices shall think most proper.

Allowance to be made to the county of Middlesex for their disproportionate expences

LXIX. Provided always, and be it further enacted, That in consideration of the great and disproportionate expences which the county of *Middlesex* will probably incur, in providing for the temporary reception and maintenance of great numbers of offenders as aforesaid, it shall and may be lawful for the commissioners of his Majesty's treasury, or the high treasurer for the time being, to issue and allow to the treasurer of the said county, of *Middlesex*, from time to time, till such certificate shall be made as aforesaid, such sum or sums of money as shall appear to be reasonable, in aid of such extraordinary expences, not exceeding the sum of three hundred pounds for one year, and so in proportion for any longer or shorter time.

Regulation relative to the lodgings of the judges at county assizes.

LXX. And whereas the courts of assize, *Nisi Prius*, oyer and terminer, and gaol delivery, for several counties at large in this kingdom, are often held in or near cities or towns that are counties of themselves, and at the same time with the like courts for the said cities or towns; and inconveniencies frequently arise, in transacting the business of the several courts, for that the lodgings of the judges are situate either only in the county at large, or only in the county of such city or town; be it therefore further enacted, That whenever the courts of assize, *nisi prius*, oyer and terminer, or gaol delivery, for any county at large, in that part of Great Britain called *England*, shall be held in or near any city or town that is also a county of itself, and at the same time with the like or any of the like courts for the said city or town, the lodgings of the judge or judges shall be construed and taken to be situate both within the county at large, and also within the county of such city or town, for the purpose of carrying this act into execution, and of transacting the business of the assizes for such county at large, and for the county of such city or town, during the time that such judge or judges shall continue therein for the execution of their several commissions.

Persons prosecuted under this act may plead the general issue,

LXXI. And be it further enacted, That if any suit or action shall be prosecuted against any person or persons for anything done in pursuance of this act, such person or persons may plead the general issue, and give this act or the special matter in evidence at any trial to be had thereupon, and that the same was done

done by the authority of this act; and if a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuit, or discontinue his, her, or their action or actions, after issue joined; or if on demurer, or otherwise, judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants shall recover treble costs, and have the like remedy for the same as any defendants have by law in other cases; and though a verdict shall be giving for any plaintiff, in any such action or suit as aforesaid, such plaintiff shall not have costs against the defendant, unless the judge, before whom the trial shall be, shall certify his approbation of the verdict.

and recover
treble costs.

LXXII. And be it further enacted, That all actions, suits, and prosecutions, to be commenced against any person or persons for any thing done in pursuance of this act, shall be laid and tried in the county or place where the fact was committed, and shall be commenced within six months after the fact committed, and not otherwise.

Limitation of
actions.

LXXIII. And be it further enacted, That an act, made and passed in the sixteenth year of the reign of his present Majesty, intituled, *An act to authorise, for a limited time, the punishment by hard labour of offenders who, for certain crimes, are or shall become liable to be transported to any of his Majesty's colonies and plantations*; and which was continued by two subsequent acts, the one made in the eighteenth year of the reign of his present Majesty, and the other in this present session of parliament, till the first day of *July*, one thousand seven hundred and seventy-nine, shall, with regard to such offenders whose respective terms of confinement under and by virtue of the said acts are subsisting and unexpired at the passing of this act, continue and remain in force till the end or other determination of their said respective terms; the time limited for the expiration of the said acts, or any other matter or thing, to the contrary notwithstanding; save only that such offenders so confined shall, from and after the said first day of *July*, be subject to the orders and regulations herein-before contained, instead of those contained in the said former act.

So much of
16 Geo. 3,
cap. 43, con-
tinued as re-
lates to the
terms of con-
finement of
offenders
unexpired at
the passing of
this act.

LXXIV. And be it further enacted, That this act shall continue in force until the first day of *June*, which shall be in the year of our Lord one thousand seven hundred and eighty-four, and from thence to the end of the then next session of parliament, and no longer; except with regard to offenders whose respective terms of confinement under and by virtue of this act shall be then subsisting and unexpired, with regard to whom it shall continue in force till the end or other determination of their respective terms.

Continuance
of this act.

C A P. LXXV.

An act for removing certain difficulties with respect to the more speedy and effectual manning of his Majesty's navy for a limited time.

Preamble.

WHEREAS by several acts of parliament, persons under certain descriptions are protected from being impressed into his Majesty's service at sea : and whereas it is equally just and expedient that such protections should not be used to obstruct the publick defence in an arduous and difficult conjuncture ; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That so much of an act, passed in the second year of the reign of her majesty Queen Anne, (intituled, *An act for the increase of seamen, and better encouragement of navigation, and security of the coal trade*), as grants any exemption or protection to any apprentice or other person from being impressed, or permitted or suffered to list or enter into his Majesty's sea service ; and also one act passed in the thirteenth year of his late Majesty's reign, (intituled, *An act for the increase of mariners and seamen to navigate merchant ships, and other trading ships or vessels*) ; and also so much of an act, passed in the second year of his Majesty's reign, (intituled, *An act for the better supplying the cities of London and Westminster with fish, and to reduce the present exorbitant price thereof, and to protect and encourage fishermen*), as grants any protection to the persons therein described from being impressed into his Majesty's service at sea ; and also so much of an act passed in the eleventh year of his Majesty's reign, (intituled, *An act for the better support and establishment of the Greenland and Whale fishery*), as grants the like protection to the persons therein described, shall be, and the same are hereby declared and enacted to be of no force and effect, for and during the space of five calendar months, to be computed from the sixteenth day of June, one thousand seven hundred and seventy-nine.

Part of an act
= Annæ, for
increase of
seamen, &c. ;

and 13 Geo. 2.
cap. 17 ;

and part of
2 Geo. 3,
cap. 15 ;

and part of
21 Geo. 3,
cap. 38,

suspended for
5 months,
from June 16,
1779.

Exception in
favour of per-
sons employed
in the coal
trade.

No person to
be molested for
impressing,
within the
time aforesaid,
contrary to
the recited
acts.

II. Provided nevertheless, That the suspension of the above-mentioned acts, so far as they relate to persons serving on board of ships and vessels employed in the coal trade, shall not continue longer than one calendar month, to be computed from the sixteenth day of June aforesaid.

III. And be it further enacted, That no person or persons shall be sued or molested for taking and impressing, or causing to be taken and impressed, within the time aforesaid, any person or persons for his Majesty's service at sea, contrary to the provisions of the before recited acts, or any of them.

C A P. LXXVI.

An act for augmenting the militia.

WHEREAS by an act, made in the second year of the reign of his present Majesty, intituled, An act to explain, amend, and reduce into one act of parliament, the several laws now in being relating to the raising and training the militia within that part of Great Britain called England; it is, amongst other things enacted, That the number of private men to be raised, by virtue of the said act, in that part of Great Britain called England, the dominion of Wales, and town of Berwick upon Tweed, shall consist of the numbers therein particularly mentioned: and whereas, in the present situation of publick affairs, it is highly necessary and expedient that the number of the militia forces should be augmented: and whereas by an act, passed in the last session of parliament, intituled, An act to amend and render more effectual the laws relating to the raising and training the militia within that part of Great Britain called England; and to establish certain regulations with respect to officers serving in the corps of fencible men directed to be raised in that part of Great Britain called Scotland, and certain other corps therein mentioned, it is enacted, That it shall and may be lawful for any of his Majesty's lieutenants to authorise the acceptance of any number of volunteers in any regiment or battalion of militia, and to appoint officers to command such volunteers, provided the number of such volunteers does not exceed the complement of any one company in any such regiment or battalion: and whereas it may be expedient further to extend the provisions of the said act with respect to the raising volunteer companies in the militia forces of this kingdom; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the passing of this act, if any person or persons, properly qualified according to the laws now in force, shall offer to his Majesty's lieutenant of any county to raise one or more company or companies to be added to the regiment or battalion of any county or riding, it shall and may be lawful for his Majesty's lieutenant to accept such offers, and to appoint such officers accordingly; and shall certify to his Majesty, his heirs or successors, the names and ranks of such officers, within one month after they shall be so appointed; and in case his Majesty, his heirs or successors, shall, within one month after such certificate laid before his Majesty, his heirs or successors, signify his or their disapprobation of any person to be such officer in the militia, his Majesty's lieutenant shall not grant a commission to such person, but shall grant commissions to such persons so appointed who shall not be disapproved of by his Majesty, his heirs or successors, as aforesaid; and on the certificate of his Majesty's lieutenant, or of the commanding officer of the regiment or battalion

Preamble.

Recital of the militia act 2 Geo. 3;

and 18 Geo. 3. cap. 59.

Lord lieutenants empowered to accept of volunteer companies, and to appoint officers therein.

Such companies to be intit. & to the same pay, &c.

the other militia forces.

battalion to which such company or companies shall be annexed, that such company or companies are actually raised, such company or companies shall be intitled to the same allowance of bounty, subsistence money, arms, and clothing, as the rest of his Majesty's militia forces in this kingdom.

Augmented regiments not to be made twobattalions.

II. And be it enacted, That when any such companies of volunteers shall be added to any regiment, such addition shall not make it necessary to separate such regiment into two battalions, but such regiment shall remain and continue one regiment.

Volunteer companies to be subject to all the laws, regulations, &c. now in force relating to the militia,

III. And be it further enacted by the authority aforesaid, That all and every the several laws, and all the rules, regulations, penalties, forfeitures, clauses, matters, and things therein contained, and now in force, or which shall be passed in this session of parliament, relative to the raising, training, paying, clothing, embodying, and calling out, the militia, shall be applied, practised, and put in execution, with respect to the additional volunteer companies by this act directed to be raised, in as full and ample manner as if the said several laws, rules, regulations, penalties, forfeitures, clauses, matters, and things, were herein again at large repeated and re-enacted in the body of this present act; save and except so far as the same are altered by any provisions contained in this act.

and to be reduced when the militia shall be dissolved, &c.

IV. And be it further enacted by the authority aforesaid, That all volunteer companies which shall be raised in pursuance of this act, shall be reduced and dissolved whenever the militia of the counties, ridings, and places, in which such companies shall be raised, shall be disembodied, or at such earlier period as his Majesty shall signify his pleasure to reduce such companies.

Continuance of this act.

V. And be it further enacted by the authority aforesaid; That this act shall be and continue in force until the first day of December, one thousand seven hundred and eighty-two, and no longer.

C A P. LXXVII.

An act to enable the commissioners of his Majesty's treasury to compound a debt due to the crown from James Gildart and his sureties, and for vesting the estates of the said James Gildart in Francis Gildart and Thomas Gildart; and for other purposes therein mentioned.

Preamble; reciting several bonds entered into by James Gildart, and his sureties. A writ of extent issued by the court of exchequer. Commissioners of the treasury empowered to compound with Francis Gildart and Thomas Gildart, for the money remaining due to the crown from James Gildart, as receiver general of the land tax, &c. for L¹shire, &c. from his sureties. All the estates, both real and personal, which James Gildart was possessed of or intitled to at the suing out of the extent; and also the estates which were devised as aforesaid by Richard Gildart, are vested in Francis Gildart and Thomas Gildart, subject to the satisfaction of the composition herein mentioned for the debts aforesaid, and payment of the composition abovementioned, or giving security for the same, the said estates to be absolutely vested in them and their heirs, &c. from all debts due from James Gildart to the crown, and from the bonds entered

1779.] Anno decimo nono GEORGE III. c. 78.

449

tered into by his Sureties. Francis Gildart and Thomas Gildart impowered to bring actions for recovering possession of premises, &c. After payment of, or giving security for, the composition herein mentioned, the aforesaid estates vested in Francis and Thomas Gildart, and any estate which James Gildart may hereafter acquire, and also his several sureties, are freed and discharged of the aforesaid debts due to the crown. General saving.

C A P. LXXVIII.

An act for enlarging the term of an act, passed in the twelfth year of his present Majesty's reign, for building a temporary bridge over the river Tyne, between the town of Newcastle upon Tyne and Gateshead, in the county of Durham; for completing the new stone bridge over the said river; and for making the avenues to, and the passage over the same more commodious.

Preamble. Trustees. When trustees die, or refuse to act, new ones to be chosen. Trustees impowered to build the parapet wall on that part of the bridge which belongs to the see of Durham. For regulating the meetings, and the quorum of the trustees. All meetings to be held in the mayor's chamber, &c. No order to be revoked unless 15 trustees shall be present. Trustees to appoint officers, and allow them salaries. Officers to account, and pay the balance. Penalty on default. If balance be not paid, it may be levied by distress. On failure of distress, &c. officer to be committed. Temporary bridge to be further continued for three years; but to be taken away if stone bridge be sooner finished. Trustees impowered to treat for houses, &c. to be taken down to open avenues to the new bridge. If owners, &c. and the trustees cannot agree, the recompence and damage to be ascertained by a jury. No houses to be built on the new bridge. Incapacitated persons impowered to sell. On refusal to treat, &c. damages to be ascertained by a jury. On payment of purchase money, premises to be conveyed. In case of a defective title, &c. or mortgagees refusing to take in their mortgage money, the purchase money shall be paid into the chamber of the town of Newcastle, and premises be voted in the trustees. Purchase monies, on proper application, to be placed out at interest. Mesne profits recoverable. Mortgagees, on payment or tender of mortgage money and interest, to convey. Tenants to quit on six months notice; on refusal, sheriffs to deliver possession. Trustees may fine sheriffs, &c. for making default. Monies payable to bodies corporate, &c. to be reinvested in purchase of other estates. Trustees may sell overplus ground. Application of the produce thereof. Trustees and jurymen not to act where interested. Tolls to be continued. Recompence to be made to the corporation, for land taken from them to make avenues. Tolls may be assigned for money borrowed. Certain times appointed for auditing the accounts. Tolls may be varied. Trustees may lease the tolls. Duration of toll on the new bridge. Tolls, &c. not to be assessed to any taxes whatsoever. Penalty on destroying toll-gates, &c. Penalty on assaulting or threatening collectors, &c. Officers who shall receive any penalties, and refuse to account for the same, may be committed. Proceedings not to be quashed for want of form. Saving the rights of the corporation. Limitation of actions. General issue. Treble costs. Publick act.

C A P. LXXIX.

An act for enlarging the term and powers of an act, made in the twenty-sixth year of the reign of his majesty King George the Second, intituled, An act for repairing the road from the turnpike road at Buckton Burn, in the county of Durham, through Berwick upon Tweed, to Lammerton-hill, and also the several other roads therein mentioned, lying in the said county, and within the liberties of the said town of Berwick.

C A P. LXXX.

An act for enlarging the term and powers of an act, made in the twenty-eighth year of the reign of his majesty King George the Second, intituled, An act for repairing and widening the road from Thirsk, over Skipton Bridge, through Balderby, to Balderby-gate, adjoining to Hutton moor, in the way to Ripon; and through Ainderby, Quernow, and Nosterfield, by Well Flashes Gate, to Masham, in the county of York; and likewise for removing the toll-house and turnpike-gates at Busby Stobh, in the said county, to some other convenient place in the road leading from Borough-bridge to the city of Durham.*

C A P. LXXXI.

An act for continuing the term, and altering the powers of an act, made in the thirty-second year of the reign of his late Majesty, for repairing, widening, and rendering safe and commodious, several roads leading from the town of South Molton, in the county of Devon.

C A P. LXXXII.

An act for continuing the term and altering and enlarging the powers of an act, passed in the twenty-eighth year of the reign of his late majesty King George the Second, for repairing and widening the road from the town of Market Harborough, in the county of Leicester, through the town of Lutterworth, in the said county, to the city of Coventry.

C A P. LXXXIII.

An act for enlarging the terms and powers of three acts, passed in the seventh year of the reign of King George the First, and in the fifteenth and twenty-fourth years of the reign of King George the Second, for repairing the road from Wendover to the town of Buckingham, and other roads in the county of Buckingham, so far as the same relate to the road from the west end of the town of Beaconsfield to within half a mile of the river Colne, near Rick-bridge, in the county of Middlesex.

C A P. LXXXIV.

An act for widening and repairing a lane called Pitt's or Sheppard's Lane, leading from the market-house in the town of Maidenhead, in the county of Berks, towards Cookham, in the said county; and for turning the course of the present road, leading from Raymills and Cookham to the turnpike road near Maidenhead aforesaid.

C A P. LXXXV.

An act for continuing the term, and altering and enlarging the powers, of an act, made in the twenty-sixth year of the reign of his late Majesty, for repairing the road from Ashby-de-la Zouch, in the county of Leicester, through Burton upon Trent, in the county of Stafford, and to The Cock Inn in Tutbury in the said county.

C A P. LXXXVI.

An act for enlarging the term of an act, made in the twenty-eighth year of King George the Second, intituled, An act for repairing the road from a certain place in Bury, in the county of Huntingdon, through Warboys, Old Hurst, Saint Ives, Hilton, Eltisley, Wareley, Gamlingay, and Potton, to a house called the Spread Eagle in Stratton, within the several counties of Huntingdon, Cambridge, and Bedford.

C A P. LXXXVII.

An act for enlarging the term and powers of an act, made in the thirty-second year of the reign, of his majesty King George the Second, intituled, An act for repairing and widening the road from Chesterfield, to the turnpike road at Hernstone-lane Head; and also the road branching from the said road, upon the East Moor, through Baslow and Wardlow, to the joining of the said roads again near Wardlow-mires; and also the road leading between the said road and branch, from Calver-bridge to Baslow-bridge; and also the road from the turnpike road near Newhaven-house, to the turnpike road near Grindleford-bridge, in the county of Derby.

C A P. LXXXVIII.

An act for continuing the term, and altering and enlarging the powers, of an act, made in the thirty-second year of his late Majesty, for repairing and widening the road from Dewsbury to Ealand, in the west riding of the county of York.

C A P. LXXXIX.

An act for continuing the term, and altering and enlarging the powers, of an act, made in the twenty-fifth year of the reign of his late Majesty

Anno decimo nono GEORGE III. c. 90, — 95. [1795.]

Majesty, for repairing and amending several roads leading from Upton in the county of Worcester, and other roads therein mentioned; and for amending the road leading from the White Cross, in the parish of Hanley Castle, in the said county, to the river Severn.

C A P. XC.

An act to enlarge the term and powers of an act, passed in the twenty-sixth year of the reign of his late Majesty, for repairing the road from the borough of Leicester, in the county of Leicester, to the town of Ashby-de-la-Zouch, in the said county.

C A P. XCI.

An act for more effectually repairing the road leading from Stratford upon Avon to Edghill, in the county of Warwick; and for repealing the several laws now in force relating to the said road.

C A P. XCII.

An act for more effectually repairing, widening, and amending, the roads from Wigan to Preston, in the county palatine of Lancaster; and for repealing several acts, made in the thirteenth year of King George the First, and the fourth and twenty-third years of his late Majesty, relating to the said roads.

C A P. XCIII.

An act for amending and keeping in repair the road from a certain bridge over a brook or stream called Sudbrook, near the city of Gloucester, to the nine mile stone on the Bristol road, at or near a place called The Clay Pits, in the county of Gloucester.

C A P. XCIV.

An act for continuing the term, and varying the powers, of two acts, made in the twenty-sixth and twenty-ninth years of the reign of his late Majesty, for repairing and widening the road from the top of White Sheet Hill, in the parish of Donhead Saint Andrew, in the county of Wilts, and several other roads therein mentioned, in the counties of Dorset, Somerset, and Wilts.

C A P. XCV.

An act for repealing an act, made in the twenty-fifth year of the reign of his late Majesty King George the Second, for repairing and widening the road from Alenmouth through the town of Alnwick to Rothbury, and from thence to the town of Hexham; and also the road leading out of the aforesaid road, between Alnwick and Rothbury, to Fockey's Dyke Bridge, in the county of Northumberland; and for making more effectual provision for the repair of the said roads.

C A P.

C A P. XCVI.

An act for enlarging the term and powers of an act, made in the thirty-first year of the reign of his late majesty King George the Second, intituled, An act for repairing and widening the roads from Little Sheffield, in the county of York, through the towns of Hathersage, Hope, and Castleton, to Sparrowpit-gate, in the county of Derby, and from The Guide Post, near Barber's Fields Cupola, through Grindleford-bridge, Great Hucklow, Tidswell, Hardgate-wall, and Fairfield, to Buxton, in the county of Derby.

C A P. XCVII.

An act for continuing the term, and altering the powers, of an act, made in the twenty-sixth year of the reign of his late Majesty, for repairing the road from the city of Carlisle to the town of Penrith, in the county of Cumberland, and from the said town of Penrith to Eamont Bridge, which divides the counties of Cumberland and Westmoreland.

C A P. XCVIII.

An act for continuing the term, and enlarging the powers, of an act, made in the twenty-sixth year of the reign of his late majesty King George the Second, for repairing and widening the road leading from Flimwell Vent, in the parish of Ticehurst, in the county of Sussex, to the town and port of Hastings, in the said county.

C A P. XCIX.

An act for repairing and widening the road from Ganderlain, in the county of Derby to Sheffield, in the west riding of the county of York; and also the road branching out of the said road at or near Molsborough-green, in the said county of Derby, to Clown, in the same county.

C A P. C.

An act for enlarging the term and altering and varying the powers of so much of an act, made in the thirty-second year of the reign of his late majesty King George the Second, for repairing several roads leading to the town of Bridgewater, in the county of Somerset, and other roads therein mentioned, as relates to the roads leading to the said town.

C A P. CI.

An act for enlarging the term and powers of two acts made in the thirty-second year of the reign of his late majesty King George the Second, and in the second year of the reign of his present Majesty, for

Anno decimo nono GEORGII III. C. 102.—106. [1779.]
 for repairing and widening the roads from *Okdowngate* in *Popham-lane* to the city of *Winchester*, and from the said city through *Hursley* to *Chandler's Ford*, and from *Hursley* aforesaid to the turnpike road at *Romsey*, and from the said turnpike road through *Ringwood*, in the county of *Southampton*, to *Long-hambridge*, and *Winborne Minster* in the county of *Dorset*, and for amending and widening the road from *Ringwood-gate* in the said county of *Southampton* to *Woolbridge*, and from a street called *The Hundred* at *Romsey*, through *Chilworth*, to the river at *Swathling* in the said county.

C A P. CII.

An act for amending, widening, and keeping in repair, the roads leading from *Ludlowfach*, in the county of *Carmarthen*, to the town of *Landoverly*, and from thence through the town of *Largadock* to the river *Amman*, and several other roads in the said county communicating therewith.

C A P. CIII.

An act for continuing the term, and enlarging the powers, of an act, made in the fifth year of his present Majesty, for repairing, widening, and keeping in repair, several roads leading from *Kidwelly*, in the county of *Carmarthen*, and also several roads leading from *Landilo*, in the said county, so far as relates to the roads included in the *Kidwelly district*; and also for repairing, widening, and keeping in repair, several other roads within the said county.

C A P. CIV.

An act for continuing the term and altering and enlarging the powers of an act, made in the thirty-first year of the reign of his late Majesty, for repairing and widening the road from the *Swan Inn* at *Leatherhead*, to the *Maypole* at the upper end of *Spital or Somerset Street*, in the parish of *Stoke*, near the town of *Guildford*, in the county of *Surrey*.

C A P. CV.

An act for continuing the term and altering the powers of an act, made in the twenty-sixth year of the reign of his late majesty King George the Second, for repairing the road from the city of *Carlisle* in the county of *Cumberland*, to the market and sea-port town of *Workington* in the said county, so far as the same relates to the road between the town of *Cockermouth* and *Workington* aforesaid.

C A P. CVI.

An act for the continuing the term, and altering and enlarging the powers, of an act, made in the twenty-sixth year of the reign of his late majesty King George the Second, for repairing the road from the city of *Carlisle* in the county of *Cumberland*, to the market and sea-port town of *Workington* in the said county, so far as the same relates to the road between the town of *Cockermouth* and *Workington* aforesaid.

